

1 U.S. DEPARTMENT OF ENERGY
EH-1
2 1000 INDEPENDENCE AVENUE, SW
WASHINGTON, D.C. 20585-0119
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7 TRANSCRIPT OF PROCEEDINGS
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10 PUBLIC HEARING - INJURED LANL WORKERS
MARCH 18, 2000 - SATURDAY
11 11:30 A.M. to 5:15 P.M.
JOSEPH MONTOYA ROOM
12 ADMINISTRATION BUILDING
NORTHERN NEW MEXICO COMMUNITY COLLEGE
13 921 PASEO DE ONATE STREET
ESPANOLA, NEW MEXICO 87532
14

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ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY & HEALTH
16 U.S. DEPARTMENT OF ENERGY
SENATOR JEFF BINGAMAN
17 CONGRESSMAN TOM UDALL
WASHINGTON, D.C.
18

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21
22
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1 A-P-P-E-A-R-A-N-C-E-S

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15 Ms. B. Joe Baer
 Ms. Ada M. Sunier
 16 Ms. Frances G. Quintana
 Ms. Ruth I. Barnes O'Brien
 17 Mr. Jose L.A. Salazar
 Mr. Victor D. Lovato
 18 Mr. Robert L. Nance
 Mr. Chris Mechels
 19

20 * * *

21 APPROXIMATELY 50-PLUS SIGN-INS DID NOT GET TO SPEAK

22 * * *

23

24

25

1 P-R-O-C-E-E-D-I-N-G-S (11:30 a.m.)

2 MR. HILARIO E. ROMERO: Okay. Good morning.

3 Good morning.

4 It looks like we have more people than chairs
5 today and I would ask those of you who are able-bodied
6 people, who are not doing testimony or may be just here
7 out of curiosity, to consider maybe giving up your seat to
8 individuals that may not be able-bodied and need to have a
9 place to sit down.

10 So, I know people are coming in, more and more,
11 and I would just ask that of you, if you don't mind.

12 Thank you.

13 We'll bring in other chairs, if we can, and
14 somehow we'll try to accommodate as many of you as we can.

15 We're going to go ahead and start.

16 *Welcome from the College of the Northern New
17 Mexico Community. *Spanish

18 First of all, I would like to call on Herman
19 Agoyo to do a blessing, an opening blessing. Is he here?
20 Well, in the meantime, I'll do a short blessing.

21 *Almighty God, give us your blessing this
22 morning for all of us, the spirits here in
23 world. *Spanish

24 *We are here to hear, we are here to listen to
25 individuals' testimonies regarding their work with the

1 labs and those of their families. Many of these workers
2 were also veterans, veterans of the Second World War, of
3 Korea and also of Vietnam and that war is the Cold War
4 which we still are involved in and, now, they are veterans
5 of this Cold War, they are the ones who have sacrificed
6 their lives once again for our protection here in this
7 country. *Spanish

8 New Mexico seems to have a history since the 2nd
9 World War of being involved in protecting this nation, in
10 many cases, more than any other state in this country.

11 For example, we were the laboratory rats of the
12 world on July 16th, 1945 when the first Atomic Bomb was
13 detonated at Trinity Site, just 200 miles south of here,
14 as the crow flies. We were the first to deal with some
15 unknown bomb. We were the first to deal with it.

16 And where were all our veterans? They were all
17 off to war, because New Mexico had the highest per capita
18 death rate of any state in the union in World War II and
19 in Vietnam. We have made great sacrifices and here we are
20 again.

21 And, now, we will hear testimony to the other
22 sacrifices, to the new sacrifices, to the current
23 sacrifices of many of you and your families, so with that,
24 I would like to turn it over to Dr. Michaels.

25 (Applause)

1 DR. DAVID MICHAELS: Thank you very much.

2 On behalf of Secretary of Energy Bill Richardson
3 and the Clinton/Gore administration, I'd like to welcome
4 you to this hearing. We are all very grateful that you
5 have come. We are faced with a very important task and we
6 appreciate your assistance in doing this.

7 I'd like to spend a minute and give some
8 background as to why we're here and then we'll go into the
9 meeting.

10 Secretary Richardson, in the last year, has been
11 focused on an agenda to turn around the Department of
12 Energy, to end the policies of denial, of not affirming or
13 not recognizing that we may have made people sick in the
14 production and the testing and the clean-up of nuclear
15 weapons. The Secretary has said if we make people sick,
16 we should help them, rather than fight them.

17 (Applause)

18 And he's asked me to reach out to our communities
19 and hear from individuals who believe we have made them
20 sick and begin to help working with them, construct a
21 policy that can address that, and we've made great
22 progress.

23 In July of 1999, President Clinton signed a
24 memorandum calling upon the entire administration to look
25 at this question, to answer several questions.

1 First: Are we making people sick in our nuclear
2 weapons complex because of exposure to radiation or toxic
3 chemicals?

4 And if we are making people sick, are they being
5 adequately covered by state Workers' Compensation
6 programs?

7 We're gathering information to answer those
8 questions, because the third part of the President's memo
9 was: If we are making people sick and they are not being
10 adequately compensated, what should we do?

11 And we have a large process involving many of the
12 government departments working on this and we have had
13 public meetings and this is actually the eighth meeting in
14 a series.

15 And, let me tell you, every one has been very
16 similar in that we have always planned for a few hundred
17 people and we always get far more than we could even
18 imagine could come, because this is such an important
19 issue.

20 The information that we gather today will go into
21 the information that we give to the White House.

22 You are obviously giving it directly to your
23 representatives in Congress, two of whom will be here
24 listening to you today, and we hope, through this
25 progress, we'll come up with a program that will be able

1 to be based in science, to look at individuals who worked,
2 who are heros, who helped us win the Cold War, who spent
3 their lives testing, producing, designing, manufacturing
4 and eventually cleaning up after nuclear weapons.

5 If we made them sick, we have to determine if we
6 have, we need to help them, we have to stop fighting them
7 and this is very useful in our process of doing this.

8 We are very, very pleased to have two members of
9 Congress here with us and I'll turn the meeting over to
10 them in just a moment.

11 But let me go through a little housekeeping first
12 of how we're going to do this meeting. We have a huge
13 crowd of people who want to speak.

14 We'll limit speech to four minutes. No one can
15 speak for more than four minutes. You have to be very
16 brief.

17 I have a very complex instrument. [egg timer]

18 We have the finest instrument makers and testers
19 in this room and when this rings after four minutes, your
20 egg is done, and we would like --

21 (Laughter)

22 We really, it really is very important - Oh,
23 thanks - it really is very important that people not speak
24 for too long because we have a lot of people who want to
25 speak.

1 Everybody's statement is being transcribed. We
2 have a Court Reporter here in the front. Her name is
3 Charlotte Macias. I'd like to thank her, if everyone
4 could join me in thanking her.

5 (Applause)

6 She will have a very difficult job. She probably
7 has never heard the names of some of the chemicals you'll
8 be talking about today, or maybe she has. But speak
9 slowly for her when you get to saying what's very
10 complicated, for her to get this down and we would be
11 grateful for that.

12 In addition, a number of my staff are here.
13 You've met some of them. Jeff Eagan. Well, they're
14 outside all helping. Kate Kimpan. Regina Griego.

15 If you can't speak probably or you don't want to
16 even stay long enough, because this may go for a long
17 time, you can speak with them, individually.

18 We also have an 800 number. You can call us.
19 There's a flier outside. You've all taken the number.

20 For the press, there's a press packet available.
21 Deborah Martinez from Congressman Udall's office has extra
22 copies and you can speak with her.

23 This meeting has been a really unique
24 collaboration. We can done it like this: The very hard
25 working staffs of Congressman Udall and Senator Bingaman

1 have worked with community organizations, labor groups,
2 workers and their families, activists, to put this
3 together and to hold this meeting.

4 I'm grateful for all and to all of you.

5 Let me thank Ken Silver, Hugette Sirgant, Rick
6 Blea, and the people who have worked hard to put this
7 meeting together and, of course, the staffs of the members
8 of Congress.

9 The way we'll do this meeting is, I'll be the
10 moderator and I can only stay until about 2:30, then I
11 have to get back to Washington tonight.

12 "Jeff" (Geoffrey) Judge, who is the Deputy
13 Assistant Secretary for Environment, Safety and Health,
14 who is my Number Two person who works for me, he will stay
15 and I will turn the meeting over to him at about 2:30 and
16 he will continue this.

17 We're giving him a little break for the moment.

18 And, again, let me thank you both for coming.

19 Well, let me then turn it over briefly to our two
20 speakers here, Senator Jeff Bingaman and Congressman Tom
21 Udall.

22 We are very, very pleased they could come and be
23 here today and I am very honored that they came.

24 (Applause)

25

1 CONGRESSMAN TOM UDALL: Buenos dias, bien
2 venidos, muchas gracias for spending some time with us
3 today, your precious Saturday time in coming here and
4 sharing with us, I know, things that are going to be very
5 personal.

6 We're here today, as Dr. Michael has said, to
7 address the issue of workers at the nation's nuclear
8 weapons complex and, specifically, the health and safety
9 problems.

10 And DOE and its predecessors do not have a good
11 record, do not have a good record in dealing with these
12 issues and, for many years, they've ignored these
13 problems, they've denied there were problems, I would say
14 decades of denials because it's gone on so long.

15 And when workers have come forward in the past,
16 there have been those that have stood up and said,
17 "There's no problem." They've covered up the problem and
18 even individuals have been fired as a result of raising
19 issues. And when they have filed lawsuits, no resources
20 have been spared in order to fight those lawsuits. So
21 this is not, this is not a good history.

22 Thankfully, Secretary Richardson, Assistant
23 Secretary Michael, the DOE leadership, has decided to turn
24 over a new leaf. They have decided to initiate studies,
25 coordinating with the White House as to what the issues

1 are.

2 These studies have come out very recently. The
3 final report is going to be out at the end of this month
4 and they show that there are significant health problems,
5 are significant health problems at these nuclear
6 establishments all across the country. They show excess
7 cancers. They show beryllium disease. They show
8 asbestosis. They show diseases that are attributable to
9 chemicals in the worst places.

10 So I want to applaud Secretary Richardson and
11 Assistant Secretary Michael for turning over this new
12 leaf.

13 And I want to just tell you, I was talking with,
14 or, I was here yesterday in Espanola and when we met with
15 some of the workers and I think it really goes to, one
16 worker raised with me, the heart of what I think the issue
17 is here today.

18 He said this started all in the 1940s and there
19 have been so many lies, cover-ups, and all of this going
20 on; he said, "How can we trust the government, how can we
21 trust the government after all this has gone on and we're
22 way down the line from it?"

23 And the only answer to that question that I have
24 was, "It's very, very difficult, I think, under these
25 circumstances."

1 But one thing that we can do today, one thing
2 that we can do today in terms of listening to your stories
3 and taking them back to Washington and one way we can
4 build back that trust, is to put in place a system that
5 will provide medical care, that will provide compensation
6 to take care of the workers and their families that so
7 bravely have been part of this national security effort on
8 the part of this country. So, we're here today, Senator
9 Bingaman and I, as part of a process to help fashion that
10 remedy and put it in place.

11 And then just as a final note, I want to say that
12 we do not want any retaliation as a result of this
13 hearing, as a result of testimony here today.

14 And I was very happy to hear Dr. Michael weigh in
15 on behalf of the Department of Energy and say he was going
16 to do everything he could, if people were retaliated
17 against, to make sure that those were punished. The head
18 of the national laboratories has also weighed in on that.

19 So, with those assurances, I think we also, all
20 of us here, should emphasize that we want people to talk
21 truthfully and we want them to know that they are not
22 going to be retaliated against.

23 Thank you very much for coming. Once again, it
24 is a pleasure to be here.

25 (Applause)

1 SENATOR JEFF BINGAMAN: Let me also thank
2 everyone for coming and say I am very glad to be here,
3 myself, to learn what I can about this very important
4 issue.

5 I am persuaded, also, that the Department of
6 Energy in spite of many years of denial about some of the
7 health effects of work that has gone at some of our
8 national security facilities, that the Department of
9 Energy is now looking to turn over a new leaf to get to
10 the facts as best they can and to compensate where that is
11 appropriate.

12 This is all, as we know, a part of the legacy of
13 the Cold War. I mean, none of this was happening in the
14 Española Valley back before the Cold War began in the
15 1940s.

16 But as a result of the Cold War, we've got a lot
17 of backfilling to do, a lot of correcting to do and we
18 have begun that process.

19 We have begun it unfortunately, first, we began
20 it with a commitment of very substantial sums in
21 Washington to clean up the environment around our nuclear
22 weapons complex and we are spending something in the range
23 of \$5 billion to accomplish that.

24 We have not, unfortunately, come to grips with
25 the other problem, which is not the damage to the physical

1 environment, but damage to the people who were working in
2 those facilities and we need to come to grips with that.

3 I have tried to start that process in a couple of
4 ways.

5 As many of you know, I introduced a bill, which
6 has always been sponsored by Congressman Udall in the
7 House, but it is a bill to compensate people, it's called
8 the Radiation Exposure Compensation Act, to compensate
9 people who have worked in uranium mines and mills and who
10 were injured as a result of that and as a result of the
11 exposure to radiation there.

12 That bill has passed through the Senate. We are
13 hoping to get final action on that bill before this
14 Congress concludes.

15 The other bill that I have introduced is one that
16 is the Energy Employees Compensation Act, Senate Bill
17 1954, dealing with the problem of those who were exposed
18 to beryllium here in New Mexico and across the country.

19 The two facilities that are most affected by that
20 legislation would be, the two sites are Paducah, Kentucky
21 and Oak Ridge, Tennessee, where there was specifically, we
22 know of, exposure to radioactive contaminants there in
23 connection with working with beryllium.

24 But I think one of the main purposes of today's
25 hearing is to find out how that bill can be expanded, what

1 are the other exposures that people can demonstrate, or
2 can show, have caused injury and we need to try to deal
3 with, as well.

4 I think it is also important that we try to learn
5 what we can from many of you today who are going to
6 testify about your experience with the current Workers
7 Compensation system as it will apply here in New Mexico.

8 New Mexico workers, our Workers' Compensation
9 system here has a very low level of coverage for lost
10 wages as compared to the rest of the nation.

DOE has ordered contractors in the past to fight attempts by current and former employees to apply for state Workers' Compensation programs for past exposure to radiation and chemical hazards.

15 DOE's traditional approach, in my view, was a
16 mistake and I know that Dr. Michaels here and Secretary
17 Richardson would like to change that and I hope the
18 information that they will get today will help them to
19 change that.

20 So, again, I thank you all for being here. I
21 hope we can learn things today that we can use in adding
22 to this legislation. I believe this is a major step
23 forward and I am very pleased to be here.

24 Thank you.

25 (Applause)

1 DR. MICHAELS: Great. A couple of final
2 points.

3 One is, this is a public meeting where the media
4 and everyone came and we understand that some people are
5 hesitant to be seen in a public meeting. We have the
6 press here, obviously, and we welcome the press.

7 We have an area, a media-free zone in the corner
8 here with seats, if anybody would want to sit there and
9 there are no cameras there; you're welcome to go sit over
10 there. We'd ask the media not to focus their cameras over
11 there.

12 If anyone here would prefer to testify in
13 Spanish, rather than in English, we're very pleased, we
14 have a Translator/Interpreter who has joined us, Arturo
15 Sandoval from VOCES, Incorporated, and he will be here and
16 if anyone, please, when you come up, just ask for his
17 support.

18 (Applause)

19 We have some very welcomed guests.

20 From Senator Pete Domenici's office, Troy
21 Benavidez; thank you for coming to join us today.

22 (Applause)

23 We have a number of elected representatives and
24 representing political leaders and tribal leaders.
25 Jeanette Wallace I know is here. She's here. Thank you

1 for coming.

2 (Applause)

3 A representative from Los Alamos. And if there
4 are other political leaders or tribal leaders here, please
5 stand up. We would like to welcome you.

6 Well, I guess, Jeannette, thank you for coming.

7 We have also a number of labor leaders who are
8 here: Rick Blea and Mike Shay. We have Victor Lovato.
9 Various people. Again, thank you all for coming and
10 helping us hold this meeting.

11 With that, the way we'll do this is, I will read
12 the name of the first speaker and then the speaker after
13 that, so the second speaker knows to prepare; we'd ask
14 them to come up to get ready and they will speak. They
15 will get ready. They'll speak after the first one.

16 I will turn on the egg timer when you begin
17 speaking and then when you hear the bell ring, please try
18 and wrap up as quickly as you can. Thank you very much.

19 The first speaker will be Bill Van Buskirk
20 followed by Gene Barrington. Would you please come up
21 here and speak. Thank you all.

22 MR. J. WILLIAM "BILL" VAN BUSKIRK:
23 Greetings, distinguished guests and our hosts and the
24 interested parties.

25 In late 1943, I was working for Lockheed Aircraft

1 in Burbank, California, building gigs and tooling for
2 military aircraft, the Number 1 priority for the war
3 effort.

4 Management at LASL interviewed me and asked me to
5 come and work for the project as a prototype machinist.
6 Someone in Washington, D.C. felt this important enough to
7 arrange for a work release from Lockheed.

8 Employed by the University of California,
9 December 6th, '43 through July 7th, '79, age 19 through
10 almost 55. At '80, medical disability became effective.

11 In mid-1940s, I was required to do machining
12 beryllium without any safeguards. I was not told that
13 this procedure posed any health risks to myself or others
14 around me.

15 In the late '40s, the lab began changing
16 procedures for machining beryllium and, at some point in
17 time, began an annual health check as a follow-up to my
18 exposure to beryllium dust, taking my weight, lung volume
19 and chest x-rays, still not told the gravity of my
20 exposure or what the consequences of it might be.

21 July, '70, University of California health
22 doctors said that they saw a change in my x-rays and
23 referred me to Dr. Mary Mossman, pulmonary specialist with
24 Lovelace Medical Clinic, Albuquerque.

25 July 28 in '70. Dr. Mossman gave me the results

1 of a comprehensive pulmonary function and blood-gas
2 studies she had ordered. There was probably a diffused
3 fibrotic process in both lungs, certainly compatible with
4 my exposure to beryllium. She recommended an open lung
5 biopsy and a chemical assay of the tissue for a definitive
6 diagnosis.

7 Lab health doctors and their consultant, Dr.
8 Harriet Hardy of Massachusetts General Hospital, were not
9 in favor of doing biopies.

10 Dr. Mossman then told me that berylliosis is an
11 insidious, latent, progressive, debilitating,
12 life-threatening industrial disease that is treatable but
13 not curable.

14 Finally, I had been told what I might expect from
15 my exposure and I agreed to the biopsy being done.

16 January 22nd, '71, biopsy performed. Lovelace
17 Hospital. Tissues sent: Dr. Claude Sill, Idaho Falls,
18 for chemical assay. Definitive diagnosis: berylliosis
19 and silicosis.

20 Both Dr. Harry Hardy and Dr. Mossman said: There
21 is significant risk of lung cancer and heart failure.
22 Mossman also said I would be more susceptible to
23 pneumonia.

24 In the winter of '97-'98, I was down five and a
25 half months with pneumonia.

1 Dr. Mossman started medical treatment for
2 berylliosis. No treatment for silicosis. Including
3 prednisone and steroids. Periodic exams with chest
4 x-rays. Pulmonary and blood-gas studies. At rest and
5 with exercise.

6 Dr. Mossman said that Lovelace noted the
7 condition on 1962 x-rays that they had taken earlier for
8 ear surgery there.

9 As well, she could see the condition on my LASL
10 x-rays before '62. This means a delay of eight years or
11 more in diagnosing and medical treatment because the lab
12 did not see or inform me of the condition of the x-rays.
13 My attorney said he had to send the Sheriff to obtain the
14 LASL x-rays for her.

15 I continued to work for the lab, as able, with
16 time off for bad days and medical treatment. My attorney
17 said that University of California quietly had berylliosis
18 added to the New Mexico Workmen's Comp law and that it
19 contained a statute of limitations.

20 He filed a claim against the University of
21 California on my behalf. My position was that if I became
22 disabled, that I would be compensated in a realistic and
23 appropriate manner for the loss of wages, real and
24 expected, and for full payment of all related medical
25 expenses for the rest of my life.

1 My attorney requested that the AEC, the
2 University of California and their insurance company waive
3 the statute of limitations in my case, but they refused to
4 do so.

5 After about five years and just days before the
6 claim was scheduled to be heard in court, Royal Globe
7 Insurance Company made an offer of settlement - based on
8 the date of discovery, not what it might be at the date of
9 disability - in the amount of \$24,000 for lost wages, pain
10 and suffering, that amounts to about 10 percent of the
11 actual loss of wages that I experienced, and \$25,000 for
12 medical treatment.

13 My attorney advised my late wife and me that if
14 we declined the offer and proceeded with a hearing, the
15 court might rule that the statute of limitations had
16 expired; we would receive no compensation at all. We
17 accepted this offer under duress.

18 March 4th, '77, Dr. Mossman advised me and the
19 lab that if I continued my duties at the altitude of 7,000
20 feet at Los Alamos, that I would develop evidence of right
21 side heart damage [ding] and the possibility of right side
22 heart failure.

23 She also said that my prognosis was guarded and
24 that I should live below 5,000 feet.

25 In view of Dr. Mossman's statement, the

1 University of California, Dr. Greer, recommended my
2 medical termination, that I be allowed to use up a year
3 and a half sick leave that I had accrued before the final
4 date of medical retirement of May 29, '79.

5 This was approved by the California Employees
6 Retirement System and because of the progressive nature of
7 the disease, no rehabilitation would be offered.

8 July, '78, my wife, late wife and I moved to
9 Peralta, which is below 5,000 feet.

10 After Dr. Mossman retired, I was medically
11 followed by Dr. Parks with Presbyterian. He put me on
12 oxygen at night and in addition to the other programs Dr.
13 Mossman was using.

14 I'm presently followed by Dr. Christiansen,
15 Presbyterian Occupational Medicine in Albuquerque. I have
16 been treated for this disease for 29 years and I feel that
17 the \$25,000 is about used up.

18 (Audience laughter)

19 In view of the guarded prognosis mentioned
20 before, I feel that the worst is yet to come. My present
21 wife and I have tried to purchase more life insurance but
22 have been rejected because of the berylliosis.

23 I am very disturbed by the prospect that my
24 present wife should have to pay for any of my related
25 medical expenses in my later years.

1 In closing, I mentioned before that someone in
2 Washington felt that it was important that I come to work
3 at the project. I came. I had a job to do and I did it.
4 Someone else did not do their job. I feel that now is the
5 time --

6 (Applause)

7 I feel that now is the time for someone in
8 Washington to understand the importance of accepting the
9 financial responsibilities for the damage that I and
10 others like me have incurred to our health and quality of
11 life during our service to our nation.

12 Thank you for hearing me and may God bless you in
13 your decision.

14 (Applause)

15 DR. MICHAELS: Thank you, sir.

16 The next speaker is Gene Barrington, followed by,
17 I can't read this very well, Eloy Garcia.

18 And while Mr. Barrington is coming up here, let
19 me say that we're very fortunate that the ombudsman from
20 the State of New Mexico Workers' Compensation
21 Administration, the ombudsman, my understanding, is a
22 worker advocate, has come to this meeting.

23 He's stationed outside with some materials, his
24 name is Abelino Montoya, and told us as a result of this
25 meeting, he will set up regular office hours here in

1 Espanola, or in this area, to assist individuals here in
2 applying for State Workers' Compensation while we're still
3 waiting for federal programs to develop.

4 So if anyone has any questions, you could see him
5 during the break. His name is Abelino Montoya.

6 MR. GENE BARRINGTON: I went to Los Alamos
7 from Denver in April of 1951. They came up there
8 recruiting machinists and I was accepted and told to come
9 to Los Alamos.

10 I was assigned first to Shop 13, a tool workshop
11 and, at the time, they were developing the H-Bomb and Shop
12 13 was in the Old Tech Area which was just south of
13 Ashley's Pond, or, I say just south; down on edge of the
14 canyon.

15 I always took all the precautions in all the
16 time. I machined tool alloy, oil alloy and other hot
17 materials as was required, and when the H-Bomb project was
18 completed, I asked to be transferred. I wanted to do
19 something else besides work that hard material.

20 I was sent back to the main shop which was still
21 in the Old Tech Area down, south of Ashley's Pond, and
22 then I was sent to Shop 20 from the main shop to replace
23 someone there and still in the same shop area in the Old
24 Tech Area.

25 The Graphite Shop and Shop 20 were separated by a

1 10-foot-by-10-foot office and on each side of this office
2 was a door leading into Shop 20, one side, into the
3 Graphite Shop on the other.

4 The doors were just regular homestyle wooden
5 doors with glass panels in the upper part of it and you
6 could look through this glass into Shop 20, or, in the
7 Graphite Shop when they were working in there. You
8 couldn't see any of the machinists that were working in
9 there because the dust and the parcels in the graphite
10 were so thick.

11 I am here, really, I want to speak -- not
12 "really" but and not all the way, I want to speak, myself,
13 too, but I want to speak of my friend, Joe Cunningham.

14 He can't speak for himself. Joe died of cancer
15 in 1984. He retired in 1979. And the medical examiners
16 there told his wife and me and my wife at that time that
17 every organ in Joe's body was full of graphite.

18 He didn't complain about it while he was there.
19 I don't, I never heard him complain about working graphite
20 but he worked graphite many years before I got to Los
21 Alamos.

22 He was there early on, I guess one of the first
23 machinists hired there, perhaps. I didn't know that part
24 of his life. I went there in '51. He probably went there
25 in the '40s, the early '40s.

1 And [ding] when he died, his wife said, told us
2 that Joe was the 13th person to die of cancer who had
3 worked in those four shops; Graphite, Shop 20, oil, alloy
4 and the -- where they had machined other materials like
5 that.

6 And there were 21 men that I knew of that worked
7 those shops at that time. I didn't keep track of them
8 after I left, but that's what LASL said that they had.

9 Now, when I was back -- Could I hold this [mike]
10 in my hand?

11 DR. MICHAELS: Sure. Also, begin to wrap
12 up, if you could.

13 MR. BARRINGTON: Beg pardon?

14 DR. MICHAELS: Maybe if you'd begin to
15 summarize, it would be helpful.

16 MR. BARRINGTON: Well, when I went across
17 the bridge, what I had to do, the Tech Area was completed,
18 I went across the bridge from where I was working and into
19 a new Shop 20 in Sigma Building, the graphite was on the
20 north end and Shop 20 was on the other end, on the lower
21 level.

22 After working there awhile, I began to notice it
23 was a lot harder to climb those stairs to get out of there
24 and it was because I was just breathing heavy and I
25 thought age had something to do with it.

1 And so I was watching close to see what might be
2 affecting my breathing and I noticed that our air ducts
3 that bring air into the lower area, around the joints and
4 the seams, you could see the telltale signs, where, of
5 leakage, and it was black, just as black as, say, coal
6 water or coal, coal tar.

7 And I notified the health people several times
8 and each time I did, they would come and monitor it and
9 report that there was no -- nothing hazardous leaking,
10 although you could see that something was leaking out of
11 there, the seams.

12 Each time they would report that there was
13 nothing, that there'd be no cause for alarm.

14 My breathing became worse. And after I retired,
15 I retired in '79, about the same time Joe Cunningham
16 retired, and he went to Oklahoma City where his daughter
17 was and I went to our little farm over in Arkansas where I
18 went, but I noticed that it was getting worse, so I went
19 and had an examination at Fayetteville, Arkansas, and they
20 had diagnosed it then as asthma.

21 And on February the 5th, 1998, I had what was
22 diagnosed celioma in the peritoneum area. I was diagnosed
23 in error as that was a heart attack, the pain, and I went
24 back to Fayetteville for the --

25 MR. MICHAELS: I think we're going to have

1 to thank you. We have a lot of additional speakers and,
2 actually, your time is up and I'm grateful for your -- Any
3 last comments to make?

4 MR. BARRINGTON: Beg pardon?

5 DR. MICHAELS: Do you have any last comments
6 to make?

7 MR. BARRINGTON: Yes, I would. I'd like to
8 make a comment.

9 DR. MICHAELS: Thanks.

10 MR. BARRINGTON: You're talking about the
11 different wars and things. I was in the National Guard
12 before World War II came along. I served there for a year
13 and a half.

14 And when war was declared, I served in the Army
15 Engineers. I was over in the European Theater for almost
16 four years -- not the whole time of four years.

17 And I wear hearing aids, as you see, and I
18 lost -- That is recognized that it was service-connected
19 but they have never given me anything for it, not even
20 buying me hearing aids, because they say I haven't been
21 drawing compensation since my hearing, my ears were pumped
22 out.

23 And I didn't think it was big enough a disability
24 to be collecting money for, so I didn't. That was a bad
25 mistake.

1 I was wounded once and I decided that I didn't
2 want to turn myself into the hospital because I already
3 knew about the Veterans Administration Hospitals.

4 I didn't want to go there, because they told me I
5 was coming home, and the reason why I didn't come home
6 right away, the war was over, but by this time, it was
7 because the bomb was dropped, built in Los Alamos, saved a
8 whole bunch of people from going to Japan. Very grateful.

9 And I worked in Los Alamos for almost 29 years.
10 I regret nothing. I loved my work there. I loved the
11 time I spent there.

12 The only thing I'd change, if I could, would be
13 leaving, and they treated me very well. I took all the
14 examinations, all of the specimens where I gave, I think
15 nothing was ever reported wrong.

16 But this, the tests I've had in Arkansas, they
17 cannot understand my problem with my lungs. They said my
18 smoking history would not account for it.

19 Now, what I'm here for, for myself, would be to
20 see if there's something else that I can do and find out
21 what I should do.

22 DR. MICHAELS: Thank you, sir, very much.

23 (Applause)

24 DR. MICHAELS: I think it's Eloy Garcia
25 next.

1 And let me remind you, we have a tremendous
2 number of speakers, so, please, kindly, if you can refrain
3 from going over your four minutes, it would be very
4 grateful.

5 And after Eloy is Harold Archuleta.

6 MR. ELOY GARCIA: We're gonna share --

7 DR. MICHAELS: Oh, great.

8 MR. ELOY GARCIA: -- a little bit of time.

9 DR. MICHAELS: Okay. So after Harold will
10 be Huguetta Sirgant.

11 MR. ELOY GARCIA: Hello. I'm Eloy Garcia.
12 I'm from Chamita, about six miles north of Espanola. I
13 still live there.

14 I worked at Los Alamos from 1947 till 1994. My
15 job title was as a mechanic.

16 I've been diagnosed with some asbestos in my
17 lungs and, before that, I went through surgery of skin
18 cancer for my ears, the back of my ears. That was from
19 1973.

20 And the way that I got that asbestos, I think by
21 doing brakes, clutches, that asbestos, and we had a very
22 poor ventilation in our building. We used to use a blow
23 gun to blow the dust. The janitor used to come and sweep
24 that, so it was very dusty.

25 So far, I have to go through the area physical

1 every year to get an x-ray from my medical doctor and
2 that's about it.

3 And here's another gentleman that worked as in
4 the same room as an operator engineer and today, he, as
5 far as I know, he has leukemia.

6 So thank you very much.

7 (Applause)

8 MR. JONATHAN M. GARCIA: How do you do. My
9 name is Jonathan Garcia and I worked at TA-54, which is
10 called the hot dump, in Los Alamos for 16 years, off and
11 on.

12 I buried everything from beryllium, P239, 238,
13 everything that comes out of Los Alamos.

14 And I was diagnosed with leukemia. I had a bone
15 marrow transplant in Denver, Colorado by Dr. Robert Rifkin
16 and I'm a survivor, so far.

17 I've had numerous injuries that -- I've been
18 suffering from injuries that I had in Los Alamos while
19 performing my duties. I had a total hip replacement done
20 a couple of years back. I've got degenerate arthritis in
21 most of my body.

22 And I was terminated by Los Alamos when they
23 found out that I had leukemia and left without anything.
24 I mean the doctors in Colorado helped me in different
25 ways. I was refused Social Security at the time. I was

1 finally given a special meeting and they gave me my Social
2 Security so it could help me with my bills.

3 And then when I got out, I got a host, a host
4 virus disease because my body started rejecting my
5 brother's bone marrow and, again, no help.

6 Los Alamos offered me a settlement of 50,000
7 bucks and even the Judge called me over the phone because
8 I couldn't attend the settlement because I was real sick.
9 I went from 180 pounds down to 115 and nearly died twice
10 and I'm still here, but, you know, I'm glad you guys are
11 doing something for us, finally, you know.

12 (Applause)

13 MR. JONATHAN GARCIA: That's it. Thank you.

14 DR. MICHAELS: Thank you. Mr. Archuleta.

15 MR. HAROLD C. ARCHULETA: Hi. I'm Harold
16 Archuleta. I'm a retiree from Los Alamos National Lab
17 where I worked for 35 years.

18 And my work was with plutonium, casting off a lot
19 of plutonium parts, a lot of sales, different -- And in
20 the process, I got an intake where I have plutonium in my
21 lungs now. Americium 241. Mercury in my body, and I
22 don't know if it's affecting my chest, I've gotten a
23 discomfort in my chest over the years, a weakness, and
24 they don't know what's going on but I'm dealing with it
25 now.

1 And the first intake I got was, I was gonna do a
2 job and to cast off some plutonium parts and I went to get
3 some "P" buttons out of a freezer and, the freezer, I
4 didn't even realize it had given out over the weekend
5 'cause we kept our plutonium in the freezer so it wouldn't
6 oxydize it.

7 So when I opened the lid and opened the can where
8 the buttons were, they were stainless steel cans, I know
9 they were oxydized, and I closed it and I got out of there
10 and called the monitor. They gave me a nose swipe and
11 they were real high and that's how I got the first intake,
12 you know.

13 Another incident: Casting out some plutonium
14 rods and you fill out the molds, you know, for plutonium,
15 32 molds, and then it run over the runner, and there was a
16 seal on the bottom; but when I picked it up, I poked my
17 finger in plutonium.

18 And good thing a monitor was around and I called
19 over and he came over and he pulled my hand out of the
20 glove forms and checked. It wasn't hot.

21 But then we went to the long counter and it was
22 hot, so they took me over to wash, some medicine. And
23 they told me that they could leave it like that, and where
24 I was badly burned, or they could cut it out. I chose to
25 cut it out.

1 And they finally cleaned it out below bad ground
2 and there were other incidents that happened. These are I
3 feel DP West where I started and they had already cleaned
4 55, the plutonium facility. We had some incidents there,
5 also.

6 And all this time, I don't know if it's affected
7 my, my chest 'cause I feel a weakness there every so often
8 and I have a lotta other information if there was more
9 time but, but, so far, maybe if there was time I can talk
10 some more.

11 Thank you.

12 (Applause)

13 DR. MICHAELS: Senator.

14 SENATOR BINGAMAN: Yeah. I was just going
15 to say, for Harold's advantage and anyone else, if any of
16 you who testify or even any of you who do not testify have
17 additional information that you want to make part of this
18 record, you should give that to us, and we will be sure
19 that it is part of the official record so that it is there
20 to be reviewed when we get to writing legislation so the
21 people don't need to feel, if they didn't get something
22 said, that they're cut off from getting it considered.

23 DR. MICHAELS: Thank you for having us. And
24 as I said before, we also have an 800 or a toll-free
25 number. There's a flier outside with a number and the

1 times to call us to provide additional information, as
2 well.

3 Huguette Sirgant next. Yes, let's give her a
4 moment to make it up here. And the next one will be
5 Robert Kee who will be next after Huguette.

6 MS. HUGUETTE SIRGANT: My name is Huguette
7 Sirgant. I am a widow and a fired employee of Los Alamos
8 National Laboratory. I speak in behalf of those like
9 myself who have suffered both great uncompensated losses
10 through occupational illness or death of spouse and
11 retaliatory abuse from LANL

12 I also speak in memory of five nuclear
13 experimental workers at the laboratory, at risk for
14 occupational radiation-induced cancers.

15 These men were between the ages of 48 and 53.
16 These men worked at the Los Alamos Meson Physics Facility.
17 These men were diagnosed with cancer within a few months
18 of one another at the same facility and I got news that
19 there were two other technicians that were all involved in
20 this.

21 The names of the individuals that I have are
22 Jules Sunier, physicist, died of leukemia on October 7th,
23 1990; Nobi Tanaka, physicist, died of adenocarcinoma of
24 the colon on February 23rd, 1991; Mohamed Magdy Gazzaly,
25 physicist, my late husband, died of adenocarcinoma in the

1 liver, on May 15th, 1991; Helmut Baer, physicist, died of
2 lung cancer on October 11th, 1991; Glenn Camp, technician,
3 died of stomach cancer, approximately 1993.

4 I am here to demand legislation that will force
5 investigation of toxic-exposure incident resulting in
6 death or illness of workers and to determine the cause of
7 death under suspicious circumstances.

8 I do this because my husband's dosimeter badge
9 did not indicate high exposure to radiation and no one,
10 including the DOE, could be motivated to investigate
11 further. I didn't know that the dosimeter didn't measure
12 internally-deposited radionuclides, whether radioactive or
13 not.

14 I also do this because LANL was in major
15 violation of the Clean Air Act for three years. Evidence
16 can be provided to demonstrate this violation was willful.
17 The laboratory made a conscious decision to keep
18 operations at the Los Alamos Meson Physics Facility
19 despite the Act and didn't report it.

20 Diffuse emissions from the linear accelerator
21 were set in a vacuum and not being released up through the
22 smoke stacks. An accident occurred in 1989 which went
23 unreported and the pre-caste shielding surrounding the
24 target was inadequate and harmful to workers, through
25 contamination of water supply and the cooling system.

1 I demand improved legislation to the beryllium
2 bill which currently excludes those workers from
3 compensation who have been exposed to beryllium and who
4 were not tested.

5 My husband worked with radioactive beryllium. I
6 didn't [ding] know that it could possibly kill him. As
7 indicated on the DOE Web site, the liver is a target organ
8 for beryllium. The treatment provider said "one should
9 not rule out the possibility of abnormal toxicity", yet no
10 testing was performed.

11 I demand new and improved legislation that will
12 forbid a national laboratory to retaliate against or abuse
13 any worker or surviving family who seeks relief or who
14 uncovers an accident or unsafe condition. I --

15 (Applause)

16 I do this because when I voiced concerns about
17 safety and requested a DOE investigation, laboratory
18 workers branded me as an ignorant troublemaker and
19 slanderer.

20 I experienced fear and reprisal from top
21 management down to my immediate supervisors and didn't
22 have a clue that the patterns were consistent with
23 whistleblower.

24 Contrary to an arrangement made by the Director,
25 my personnel record contains damaging, misleading

1 information that prevents me from being hired by most New
2 Mexico employers.

3 I demand legislation that will increase the lump
4 sum settlement and medical benefits for survivors.

5 After I lost both my husband and my job, I then
6 lost my house and all my savings, as well. A hundred
7 thousand dollars will not even begin to help me offset the
8 financial expenses I incurred nor provide me with the
9 restitution from shattering dreams my husband and I
10 planned of raising a family.

11 Before the chemotherapy, we had sperm frozen,
12 with hopes of having children. When I lost my job, single
13 parenthood was an unrealistic option. Even through
14 adoption, I felt robbed.

15 I demand new legislation redefine "spouse" but
16 not by marriage alone and not by the duration of marriage.
17 I do this because my husband became ill and was diagnosed
18 with cancer three months after we were married on May 30th
19 of 1990. He died before one year, on May 15th, 1991.
20 Under present guidelines, I am barred from relief.

21 Finally, I demand radiation-induced cancer
22 legislation that will lift burden of proof from us as in
23 the Strickland bill.

24 (Applause)

25 DOE has been negligent for decades and we have

1 suffered so much. We do not deserve to be punished due to
2 these restrictions, latency periods, inaccurate or no
3 records or to have the National Economic Council cut
4 corners in the budget.

5 DOE spends approximately \$11 billion on clean-up.
6 I don't think a half a billion dollars is asking a lot for
7 workers who are deserving.

8 The draft report does not report causation. Why
9 should we be obligated to prove causation?

10 Thank you.

11 (Applause)

12 DR. MICHAELS: Our next speaker is Robert
13 Kee, followed by Lawrence Longacre.

14 I have a, just got a request. The State Fire
15 Department is here, the state department, or, the fire
16 department is here and they asked us to clear the aisles.
17 We've reached the point of crowding here where we have a
18 safety violation.

19 So if I could ask, if some people were just here
20 listening, we will just ask them if they don't mind
21 listening outside, so some of the people who are in here
22 also plan to testify or retired workers can sit.

23 And, otherwise, I think we have to clear the
24 aisles promptly.

25 Mr. Kee.

1 MR. ROBERT KEE: Thank you. I'm not very
2 much of a speaker. I'm just an old engineer who went to
3 work at Los Alamos in 1951, working in the plutonium
4 facility and also testing in the Eniwetok Bikini and some
5 of the places that we tested.

6 My main reason here is that I was in a special
7 study with Oak Ridge and other people who have been in
8 these businesses way back and I don't know what happened
9 in that study. I sent information back. It was approved
10 by Hecker and I have papers that I can give you people.

11 DR. MICHAELS: Yeah, if you could share them
12 with us, we would be grateful.

13 MR. KEE: You can have whatever I've got.

14 One of the things that's bothering me is that I
15 went through the explosion in Jackass Mines back in the
16 '60s and lost most of my eardrums, smeller; I don't have
17 any smeller. And LANLs been good enough to buy me a
18 hearing aid and that's all I got. I got that. And that
19 kind of bothers me.

20 Another thing that happened when I went through
21 the hydrogen explosion in Jackass Mines, the explosion was
22 so great that the -- I had partial plates and I had to
23 have all new plates made.

24 And so what has happened and why I'm here today
25 is that I have also developed Parkinson's. In talking

1 with people in research and going on Parkinson's, it can
2 be caused by an accident, explosion or something like
3 that, and I'm here to see whether other people -- nobody
4 tells other people what's going on.

5 How many other people in the lab have developed
6 Parkinson's from an explosion? The explosion was great
7 enough to break up my partials in a million cracks.

8 What do they do to my brain when that happens?
9 That's one of the things I want to find out now.

10 DR. MICHAELS: If you can show those papers
11 to my staff, we'll be very grateful.

12 Yes. Senator Bingaman points out, this, the
13 Court Reporter's transcript will be on our Web site and it
14 will be sent to my office, so this will all be available
15 as well as the transcripts of most of the previous
16 meetings are already on that Web site, so you could see
17 the testimony of workers at Oak Ridge, Paducah, and
18 Portsmouth and Rocky Flats, Hanford Test Site, as well.

19 Lawrence Longacre is next followed by Marcella
20 Nogar.

21 MR. LAWRENCE LONGACRE: Honored guests and
22 ladies and gentlemen, buenos dias. My name is Lawrence
23 Longacre and I'm from Santa Fe. I worked at the lab up
24 there for 38 years. My father worked up there for about
25 30.

1 When I seen these gentlemen that came up here,
2 dragging their little tanks and their hoses, and the lady
3 on crutches, I was sitting back there thinking "I'd give
4 anything to see my dad walk through that door" but he
5 also -- he died from emphysema about two years ago and I
6 firmly believe that it was exacerbated through his work at
7 the lab where, his job, he was a mechanic, starting all
8 the way back in the '50s when the Cold War was intense and
9 at all costs, including safety and health, the lab was
10 going full throttle and they were testing in the Pacific
11 and in Nevada.

12 And I, myself, had fears for myself in that I
13 may, due to the same exposure that he had, be coming down
14 in another 10 years with the same symptoms.

15 But before I go into that, my main point is that
16 for all these years, the lab, the scientists at the lab
17 have held two separate entities hostage, - one is the
18 American people and the Congress - because of their
19 position that their work is so vital that if it were not
20 for them, we'd all be speaking Russian or North Korean or
21 Tunisian or whatever. Money is thrown at them and they do
22 as they please. There's no accountability.

23 In all of our jobs, every single one of us here
24 are accountable to what we do and if we don't do a good
25 job, we're down the road.

1 The other group, the other group that they have
2 been holding hostage are the workers. For many years,
3 there have been no accountability at the lab for anything.
4 They have poisoned the air, the ground, the water. They
5 have violated our rights.

6 The lady. I can only echo what the lady said.
7 When I brought up health concerns about asbestos,
8 chemicals and on and on, I was labeled a troublemaker and
9 had it not been for Congressman Richardson who many people
10 in this -- like many people in this audience, were on a
11 first-name basis because when Bill first came to New
12 Mexico, we backed him and he never forgot us. Had it not
13 been for Bill, I'd've been gone down the road a long time
14 ago.

15 Our concern. I worked in the steam plants and
16 the power plants where there's a lot of asbestos. These
17 things were built in the '50s when they didn't know
18 anything about asbestos.

19 I complained, and one time they sent a Safety
20 Engineer with a monitor. I deliberately took some
21 asbestos and I threw it into the monitor, just to check
22 out their honesty. And what happened? The report came
23 back: There was no asbestos in the air.

24 And, so, all of our people in the plants, daily
25 face breathing asbestos, hydrochloric acid, chemicals that

1 are used in water treatment and if you complain, it, it --
2 The atmosphere changed a little bit in the last couple of
3 years after Johnson Controls went in there, but the lab
4 always held Johnson Controls to higher standards or levels
5 than they themselves are willing to [ding] accept.

6 And I won't belabor the point, but if nothing
7 else comes out of this hearing, maybe we'll get some
8 compensation, maybe we won't. But I would urge the
9 Congress to really make them accountable for everything.

10 Equipment gets stolen. It gets lost. All kinds
11 of things happen at the lab and there's no accountability.

12 When I complained about the water being poisoned
13 and going down to Santa Fe to get some water from Buckman,
14 they said, "Well, move." And that was their attitude.

15 Thank you.

16 (Applause)

17 DR. MICHAELS: Marcella Nogar followed by
18 Gene Westerhold. Okay. Yeah. Marcella chose not to
19 testify. All right. Gene Westerhold followed by Georgia
20 Salazar Martinez. Gene Westerhold?

21 MS. GEORGIA C. SALAZAR MARTINEZ: My name is
22 Georgia Salazar Martinez. I'm speaking in regard to my
23 father. His name was Jose L.A. Salazar. He worked at the
24 lab for 44 years. He worked under Zia up to Pan Am. He
25 retired from work at the age of 62 in December of 1999.

1 On September 20th, 1994, he was diagnosed with
2 esophageal cancer. He had surgery five days later to
3 remove the tumor and he was fed through a stomach tube for
4 months.

5 This left him weak. He lost a lot of weight and
6 this made him vulnerable to pneumonia when he died, within
7 six months of this diagnosis.

8 The chances of redeveloping this type of tumor is
9 very high; the recovery from it is very low.

10 Who knows exactly what type of contamination this
11 man was exposed to during his lifetime at work; but not
12 only was he exposed, also his family. He would go and we
13 would wash our clothes with him. We would hug him as soon
14 as he got in, so we were also exposed.

15 As for his wife, she lost her companion of 40
16 years and at the time of his loss of his last illness, she
17 was under and so much stress, five months of seeing her
18 husband slowly dying, that her own blood pressure was so
19 high, it resulted her in having a major stroke.

20 As for my brother and I, we were also under the
21 stress, that we were having the chance of losing both of
22 our parents at the same time. One parent, very ill from a
23 stroke in a hospital in Espanola; the other dying at Santa
24 Fe. And that made us very torn in how to acknowledge to
25 our children.

1 At the time, my own sons were very small. How do
2 you end up explaining to them a parent dying or their
3 grandfather dying?

4 Who knows how many years he would've lived if he
5 had not gotten the cancer.

6 He had been mostly healthy most of his life. He
7 had very few colds. He had an appendix removed in the
8 early '70s; an injury to his leg which occurred at work,
9 and in the mid-'80s, he had a mild heart attack also at
10 work.

11 But to explain a little bit about his life at
12 work, he worked under Roads as a laborer until his
13 accident which, while he was at work, I'm not sure of the
14 time, I remember it was some time in the early -- late
15 '60s, early '70s, this happened whenever a roof collapsed
16 on him and he was buried up to his chest; it took a number
17 of hours to remove him. He had a broken leg and some
18 broken ribs.

19 There were other men injured at that same time
20 and some other men died. This happened at the site.

21 He remained out of work for a year and a half but
22 no help or compensation to his family of any kind were
23 offered. The family went through some rough times and
24 knowing that his job would be available for him when he
25 would return.

1 When he was returned, he was given a job where
2 they repair cars and he was given the job of custodian. A
3 gentlemen that came up earlier, by the name of Eloy
4 Garcia, he acknowledged that he has asbestos, my father
5 was that janitor that cleaned up after him.

6 Many of the cars were said to have come from
7 contaminated areas and he was asked to remove the trash
8 from them before they were to work on them. He may have
9 been exposed to asbestos, radiation, uranium, plutonium
10 and who knows what else.

11 While at Roads, he was taken out to some cleaning
12 area, in a storage area. He mentioned that one time, to
13 one of his sisters, while he was cleaning this area, he
14 had to be removed physically by other employees due to the
15 trouble of having breathing problems.

16 Now, like I had stated, while Zia and Pan Am were
17 exchanging, he had a mild heart attack. [ding] Who knows
18 why?

19 This man gave of himself to his job and he did
20 not ask of anything. But what did it give him? Possible
21 cancer.

22 It is a shame so many people that are here get
23 cancer or other illnesses and they have no time to retire;
24 and if they do, they retire with such a short period of
25 time before they die and are unable to enjoy themselves.

1 In this case, this man, when we lost him, we lost
2 a husband, a father, a grandfather, a great grandfather, a
3 brother, a friend, and a neighbor.

4 Thank you.

5 (Applause)

6 DR. MICHAELS: Our next speaker will be Gene
7 Westerhold and, following that, we'll take a 10-minute
8 break and then just continue.

9 After the break, Jo Baer will be the next
10 speaker.

11 MR. CHARLES "GENE" WESTERHOLD: Congressman
12 Tom and Jeff, Dr. Michaels, I've worked 44 years for
13 contractors at Los Alamos, New Mexico, starting with the
14 old Zia Company from the '30s to Johnson Controls.

15 In eight of those years, I spent at the old DP
16 site which was a plutonium site and many times in those
17 eight years, we had accidents down there where we was
18 completely drenched in plutonium, nitrates and
19 this-and-that. Very high nose counts was a daily thing
20 because of the facility itself.

21 And then in 1958, at the last of the year, we had
22 a tank go critical, and extremely high radiation levels;
23 and myself and another guy went in, and it was about in
24 1959, and made some tie-ins to transfer this solution out.

25 And I picked up an 11-1/2 r of radiation and all

1 this was very well-known at the time. But two years ago
2 when I retired from up there, I asked that I set down with
3 a doctor and talk to him about some of the exposures I've
4 had over the 44 years.

5 When I sat down with this person, they had no
6 records of any of this. The records they had was so
7 falsified that it was pathetic.

8 They showed no high, no swipes in the years that
9 I worked at DP. They showed no radiation exposure. Blast
10 site has been removed from areas because of high tritium
11 exposure. None of these are on records. And I'm very
12 concerned about some of this.

13 Another thing that concerns me very much is the
14 asbestos we had up there. We worked with that asbestos.
15 I'm a pipefitter by trade. And we used to knock this
16 asbestos off and come out of these asbestos rooms and we
17 looked like snowballs or footballs, you know, we were just
18 completely covered with it.

19 We'd go into the eating areas, take an air
20 pressure hose and blow ourselves off. Asbestos fibers in
21 the air and everything.

22 But the government, knowingly, that this stuff
23 was hazardous, nobody told us until the middle '70s that
24 we had an asbestos problem up there. And to this day,
25 we've still got asbestos up there.

1 But I guess my biggest concern is, so many of my
2 friends that I grew up with and worked with over the many
3 years up there are dying, in their middle 60s, early 60s.
4 I can just name a dozen of them just off the top of my
5 head.

6 And there's something the matter. And I, for
7 one, please ask that you look into it, that we've got a
8 big problem up there, you know. I think it should be
9 looked into.

10 I don't think we should have to wait till we lay
11 down and die before something is done.

12 (Applause)

13 MR. WESTERHOLD: Thank you very much.

14 DR. MICHAELS: Thank you.

15 Let's take a 10- minute break and we will
16 continue with Jo Baer.

17 [Recess at 1:12 p.m.]

18 DR. MICHAELS: Let's start back up. We have
19 so many people that want to speak.

20 Our first speaker will be Jo Baer and will be
21 followed by Dr. Pat Bryce. So we'll just turn this over
22 to Jo Baer.

23 MS. B. JO BAER: Thank you, Senator
24 Bingaman, Dr. Michaels, - Congressman Udall is not here -
25 for this opportunity to speak on an issue that continues

1 to weigh heavily on my heart.

2 My husband was an experimental nuclear physicist.
3 He died at an early age of 52, in the prime of his career.
4 He died of lung cancer, never having smoked a cigarette in
5 his life.

6 As a way of introduction to my husband, I would
7 like to read briefly from one of several obituaries. This
8 obituary that I'm reading from - This is my husband, this
9 obituary that I'm reading from was published in the lab
10 paper:

11 "While at the Meson Physics Facility, Helmut
12 Baer led the work in construction and
13 operation of the first meson spectrometer
14 and his work in double-charge exchange
15 achieved worldwide recognition. In 1989,
16 Helmut Baer was appointed a Fellow of the
17 American Physical Society."

18 His immediate supervisor was quoted to say:

19 "Helmut not only pursued physics, but set
20 himself standards for quality that were
21 first class."

22 He felt he had so much to do, so much to enjoy
23 with his family, his colleagues, his physics. In the
24 interest of time, I won't read or share the rest of it.

25 [NOTE: 7 printed pages submitted/attached hereto]

1 My husband had many friends in the international
2 physics community and I've been fortunate that many of his
3 friends have maintained that friendship with me.

4 On Friday, I received a message from one of his
5 friends, a theoretical physicist in Europe who was
6 encouraging me to speak up today if that happened to be my
7 decision. The friend wrote:

8 "It is clear that Helmut did what he did
9 quite freely. But at the same time, we both
10 know how careful a man he was. Not only in
11 relation to himself but to others; in any
12 case, some people undertake doing dangerous
13 work, sometimes not knowing the risks
14 involved but often for the benefit of the
15 society. They deserved to get the best
16 possible protection."

17 The best possible protection is what, in my
18 estimation, my husband did not receive.

19 On November 7th, 1991, a working committee met to
20 consider the deaths of three physicists. The committee
21 had been formed because, at that time in Los Alamos, there
22 was a lot of concern for the frequency of cancers and
23 there was fear among the community about those cancers.

24 This article, I read. It was written by one of
25 the best reporters in Los Alamos [holds up The Monitor].

1 I read this article in the last couple of days
2 and noted that there were 1,692 words in this newspaper
3 article. 270 words devoted to an introduction. That's
4 approximately 16 percent. 1,422 words reflected the
5 rhetoric, the verbiage that occurred during that meeting,
6 justifying or defending the laboratory. 84 percent of the
7 time spent at this meeting that night was in defense of
8 the lab.

9 "De-nial" is not only a river in Egypt.

10 (Laughter)

11 45 words, approximately three percent of the
12 article, and approximately that much time in the media,
13 was devoted to the Chairman's comments, a physician, who
14 commented that background radiation -- that there was some
15 research to indicate that background radiation causes some
16 cancers and how dosimetry badges were not considered by
17 everyone to be effective tools to [ding] measure
18 background radiation.

19 My husband was diagnosed with Stage III-B Lung
20 Cancer in July of 1990 and he died 18 months later.

21 I wanted to mention that there were this, this
22 article was, this working committee was brought together
23 to discuss the death of three physicists. In actuality,
24 there were four physicists that died working in the Meson
25 Facility within the space of eight months.

1 Let me see. The first person who died was
2 February 23rd.

3 The first, one of the first was Magdy Gazzaly
4 died on May 15th. On February 23rd, Naby Tanaka died.
5 And on October 7th, Helmut Baer died.

6 That's three physicists who died in the space of
7 eight months.

8 However, on October the 11th, Jules Sunier, also
9 an experimental physicist, working in the lab area, died
10 of cancer.

11 Four physicists died within 363 days of each
12 other.

13 There was a machinist at the lab who died of
14 cancer and possibly another machinist.

15 In 1990, my husband was diagnosed with lung
16 cancer. He died. And 18 months after that, as I
17 mentioned, after my husband died, I was able, because of
18 my associations with the physician on the working
19 committee, I was able to get the records, the complete
20 medical records from the Occupational Health.

21 On February 23rd in 1988, as part of my husband's
22 required routine physical, an x-ray was ordered.

23 The Occupational Health Department office paid
24 for that x-ray, they paid for a radiologist's report, and
25 the report read, in part:

1 "There is a small area of airless lung
2 change in the right lower lung field and the
3 medial segment of the right middle lobe.
4 This needs to be compared with old films.
5 Cannot exclude neoplasm or active
6 inflammatory process. Clinical correlation
7 is needed."

8 This document was never acted on and it was never
9 shown to my husband. I was upset when I found this. I
10 asked the question: What decent human being would not
11 communicate this information or act on it?

12 Well, a decent human being would have.

13 The information wasn't communicated to my husband
14 and, as a consequence, he died in 1990. I was very upset
15 and I, I was very upset and I, underneath the three-year
16 statute of limitation, was able to file a wrongful death
17 suit against the Occupational Health Office.

18 I wanted the people who withheld this information
19 from my husband, I wanted the people who didn't act on
20 this information to be held accountable for his death.

21 In the next five years, I had quite a lot of
22 communication with the Los Alamos Lab, their lawyers
23 talking to my lawyer. I had an experience of what big
24 government with unlimited resources can accomplish.

25 My case was sent to the Court of Appeals on three

1 occasions. I would like to mention, the first time it
2 went to the Court of Appeals, the local, the judge, the
3 District Judge granted a Summary Judgment that --
4 supporting the lab's or the Occupational Health's
5 contention that they didn't have a responsibility to
6 communicate this information to my husband because they
7 were, quote, a clinic.

8 The Court of Appeals overturned that judgment.

9 The Court of Appeals subsequently overturned the
10 second judgment.

11 I almost had my day in court when in April of
12 1997, however, and during that, when I was on the witness
13 chair, I was handed the defense exhibits. I looked and I
14 found that although among those exhibits, there was this
15 lab report, this report that my -- documenting a visit my
16 husband made to the Occupational Health on August 22nd,
17 19-- No -- the lab report, the doctor's comments from
18 February 23rd, 1988, were included in the exhibits;
19 however, the Radiologist Report was not included.

20 The Radiologist Report was not given to my
21 husband and in the exhibits for the jury, the laboratory
22 report was left out although other documents from that
23 visit were included.

24 Someone didn't want -- Well, that information was
25 withheld.

1 The attorney for the lab convinced the Judge
2 that, and the State of New Mexico, there was not a loss of
3 chance law, and so the judge who seemed in some ways dis--
4 some way, who seemed in some ways to rely on the lab
5 attorney for many of her decisions, gave a Summary
6 Judgment that -- supporting the lab's contention, that
7 there was not a loss of chance law in the State of New
8 Mexico. And so, the court, the trial was aborted.

9 My attorney, who died before the hearing, filed
10 for another Court of -- another appeal to the New Mexico
11 panel. That decision, that summary decision was once
12 again overturned.

13 And, well, I'm mentioning that to say I've had my
14 experience with big government and what unlimited
15 resources can accomplish.

16 You represent big government and I pray that you
17 have the resources, the talent and the muscle to do
18 something to address the problems that are coming before
19 you today.

20 (Applause)

21 People sometimes do dangerous work without
22 knowing all the risks and they deserve the best
23 protection.

24 Thank you.

25 (Applause)

1 DR. MICHAELS: Thank you. Our next speaker
2 is Dr. Pat Bryce who flew here from Baltimore, Maryland,
3 to join us this morning and this afternoon, and he'll be
4 followed by Steve Westerhold.

5 DR. PAT BRYCEE: Good afternoon and thank
6 you for the opportunity to address you this afternoon.

7 I would like to just take a minute of your time,
8 away from these important stories you've been hearing, to
9 introduce a new program that we're starting at Los Alamos
10 National Laboratory, funded by the Department of Energy,
11 that offers free medical exams to former workers who have
12 significant concerns about the work that they may have
13 conducted while at the laboratory.

14 This project has been ongoing for approximately
15 one year. During the first year of the project, we
16 developed on focusing lists of former workers, looking at
17 historical records of exposures, evaluating previously-
18 documented health effects, assessing what the workers
19 concerns are, - And I might add that that's an ongoing
20 process and part of which is taking place today as I
21 listen to the testimonies before you - evaluating the
22 medical literature on the types of diseases that we might
23 expect and what we might be able to do for people if they
24 have health concerns about what they worked with.

25 We refer to this first year's effort as a needs

1 assessment.

2 We've completed that needs assessment and, based
3 on that, we have decided to focus our former worker
4 medical examination program on former workers with
5 significant exposure to the following five agents:
6 beryllium, asbestos, ionizing radiation, noise, and lead.

7 I would just like to emphasize that this is a
8 preliminary determination and as we learn more about what
9 people did at the laboratory, as we learn more about what
10 the exposures are at the laboratory, as we learn more
11 about what the workers concerns are, and as the medical
12 science progresses, it allows us to do more for people who
13 may have early diseases associated with exposure to these
14 agents, we will reevaluate this list.

15 The medical examination program will last for
16 roughly four years. We hope to conduct over 3,000
17 examinations, roughly 800 a year, during this time.

18 And we will be giving our first round of
19 examinations in late April/early May. We have set up a
20 clinic here in Espanola, less than a mile from this
21 meeting site.

22 Many people in this room have stopped by the
23 table in the front and received our brochure. I
24 originally planned to ask people to stop by and collect
25 brochures but there's been such a good turnout today, I

1 apologize, we've handed out over 200 brochures already.

2 However, if you'd please stop by the table after
3 this meeting, if you'd like some more information; and in
4 addition to myself, Cathy Garcia - Cathy, you can raise
5 your hand - is our Program Manager and the Office Manager
6 out here in Espanola, she'd be happy to talk to you.

7 In addition, Dr. Karen Mulloy from the University
8 of New Mexico is here. Karen, if you could stand up. If
9 anybody has any questions, they could speak to Dr. Mulloy.

10 The clinic that we set up in Espanola is going to
11 be staffed by physicians from the University of New Mexico
12 and from Johns Hopkins University in Baltimore.

13 We will offer people two types of exams. If they
14 have medical records they'd like us to review, we'd be
15 more than happy to review them. We understand that people
16 can get examination fatigue and if they've been worked up
17 already, there might not be a need to do additional
18 work-up.

19 In addition, we will offer them a free hands-on
20 examination.

21 There's a toll-free 800 number that you can call,
22 that if you stop by the table out front, you can have --
23 we'll make sure you get that. We'll make sure you get the
24 address for the clinic and if you'll stop by the table and
25 if you have any other questions, there are sign-up sheets,

1 we'll be more than happy to contact anybody for more
2 information.

3 So we're very excited about the opportunity that
4 we have to offer this one-time free medical examination
5 service to former workers at Los Alamos National
6 Laboratory.

7 I want to emphasize that this is a service
8 project [ding] and we'd like to make sure that we address
9 all the concerns of the former workers and we're more than
10 happy to listen to what those are and I plan to sit in the
11 back of the room for the rest of the day and take it in.

12 Thank you very much.

13 DR. MICHAELS: Thank you.

14 (Applause)

15 DR. MICHAELS: Steve Westerhold. Following
16 Steve will be Tomas Archuleta. Let me just have -- While
17 we're waiting for Steve.

18 Well, this program, that Dr. Bryce has
19 presented, is funded by my office, the results of medical
20 exams will be strictly confidential. Any individual exams
21 will be kept entirely by that physician group.

22 Overall, if there's interesting information
23 that's gathered that we should note to protect the health
24 of workers, that will be given to us, but with no way to
25 identify the individual workers involved.

1 That's true of the programs around the country.
2 We have ten like this around the country so I would urge
3 you to participate.

4 So it's Steve Westerhold, followed by Tomas
5 Archuleta.

6 MR. STEVE WESTERHOLD: First off, I'd like
7 to say Thanks for coming. We appreciate you guys coming
8 here to Northern New Mexico and in listening to the
9 stories.

10 Secondly, I'd also like to say, you know, I want
11 to thank the laboratory, the government, the Zia Company
12 and that, for providing a steady job for my father. He
13 spoke briefly earlier today. It put a lot of food and
14 clothes and shoes on our table and I'm grateful for that.

15 I would like to say that when I was 16 years old,
16 my mother and my grandfather, they moved up there to Los
17 Alamos in the early '40s, '45 or '46 I believe, somewhere
18 in there.

19 When I was 16 years old, my grandfather died of
20 lung cancer as a worker up there for Zia Company and that.

21 My dad's had many exposures. I look around the
22 room today and I see many, many friends of mine whose
23 fathers worked there, they worked there. It's a multi-
24 generation deal that has gone on there. I mean there's
25 been a lot of fathers, sons, daughters, and that, has

1 worked up there.

2 In the early '70s, I heard a lot of things about
3 the Meson.

4 In 1977, I personally went into the beam line at
5 the Meson down by the beam stock and received 7.4 r of
6 ionizing radiation in two minutes.

7 When I questioned some of this, they mentioned
8 that it was -- you know, I had some "ringer fingers on"
9 TL -- or TLDs on my ringer fingers and I was told then
10 that, well, it's nothing to worry about 'cause it was to
11 the extremities - although my head, my neck, everything
12 was in the same hole that my hands were working in.

13 So I had some exposures at TA-21, the old DP
14 site, as we were carrying out the tanks and some of the
15 equipment to move to the new DP facility.

16 I've been at the lung counter and body counter 12
17 to 14 times, something like that. I don't always do
18 have -- When I get my records, I do have some internal
19 plutonium exposure, but, you know, I don't know how much.

20 What I am here for today is mainly to say that
21 there's many of us that are younger workers up there who
22 are not sick today, but we don't know about tomorrow. I
23 would love to see --

24 (Applause)

25 I want to see the people that are sick and are

1 hurt and need help, I would like to see something done to
2 help those people.

3 But I'd also like to go on record just to say
4 that, you know, just because I'm not sick today or others
5 here are not sick today, doesn't mean that some time down
6 the road there, that we may not be, and it may be
7 attributed to some of the works that we've done there in
8 Los Alamos, so, anything that you can do to help us would
9 be greatly appreciated.

10 Thank you.

11 (Applause)

12 DR. MICHAELS: Thank you. Tomas Archuleta
13 followed by Kay Tanaka.

14 MR. TOMAS D. ARCHULETA: Congressman,
15 Doctor, Senator. My name is Tomas Archuleta. I started
16 to work for the lab on November 4th, 1974. I worked on
17 the site where everybody calls it the hot dump. It's not
18 respectable to call it a hot dump because it was a
19 disposal site.

20 I went in to work under the supervision of my
21 supervisor, Danny Helm. He decided to leave. Mr. Norm
22 Wilson was the site supervisor. Mr. Wilson decided to
23 leave. I came into the picture as a supervisor for this
24 site and I was exposed to, well, I would say to everything
25 that the lab worked with; Pu238, 239, TiU, transorganic

1 lead, asbestos, beryllium, PCV, you-name-it.

2 I was really surprised when people were getting
3 scared about being that the lead was a hazardous waste,
4 asbestos; and I said to myself, "Well, these people are
5 getting scared for nothing. I used to bury truckloads."

6 (Laughter)

7 I was exposed to asbestos as truckloads. Lead,
8 we used to bury walls that used to be used for shielding,
9 and drums, the contamination that was so high that they
10 had to reduce it by lead chilling.

11 God only knows what I've gone through. I'm gonna
12 speak a little bit about my health. God only knows what
13 I've been through. My family, there's my wife, my
14 daughter, sisters.

15 Back in 1984, August the 4th, 1984, I developed a
16 tumor on my left foot. After the first one, I went
17 through four tumors removed. Finally, in 1995, they had
18 to amputate my foot below the knee. So far, I've had two
19 of my joints on my right foot deteriorated. I've gone to
20 surgery. In 1995, on June the 28th, I went through a
21 heart attack and five bypasses. This year on January the
22 17th, I went through surgery. They removed a tumor from
23 my right breast.

24 And you don't, you know don't know, being that I
25 was a supervisor on the site, the site at DP-54 was,

1 was -- It was divided into two groups. It was the lead,
2 the -- I'm sorry -- the liquid, and the chemical, which
3 was supervised by somebody else and I used to supervise
4 the solid waste material. I would go into a site.

5 I used to schedule a lot of people, which I see a
6 lot of faces over here that used to work with me. I used
7 to schedule laborers, heavy equipment operators, painters.
8 I never let my men work by themselves. If I couldn't be
9 with them on a certain job, I would assign somebody to
10 work with them. And I saw lot of injustice done in, in
11 my -- under my supervision.

12 Finally, in 1989, Dr. Charles Peeble from
13 Albuquerque wrote me up for disability for -- And that was
14 the time that I came out of Los Alamos. So between the
15 November the 4th, 1974 and August of '89, I was exposed to
16 all these. God only knows what I was exposed to because
17 we used to bury everything that was contaminated within
18 the lab, we used to bury it and keep a record of it.

19 And I sure thank you people being here [ding] and
20 for helping us.

21 (Applause)

22 DR. MICHAELS: Kay Tanaka, followed by James
23 Smith. Ms. Tanaka isn't here? Oh.

24 MS. KAY TANAKA: My name is Kay Tanaka. I'm
25 here representing my husband, Nobuyuki Tanaka, sometimes

1 known as Noby Tanaka, who on February 23rd, 1991, died of
2 cancer at the age of 53.

3 After his undergraduate physics education at
4 Harvard and graduate school at Tulsa where he received his
5 Ph.D. in 1969, Noby came directly to Los Alamos. He
6 worked his entire professional career as a staff member at
7 the Los Alamos National Laboratory with LAMPF, Los Alamos
8 Meson Physics Facility accelerator project, founded and
9 led by Louis Rosen.

10 Louis Rosen had persuaded Noby to come to Los
11 Alamos just as LAMPF began work on the experimental areas
12 and research facilities.

13 To quote the presentation given at my husband's
14 memorial service in 1991 by Lewis Agnew, a colleague of
15 Noby's and an amateur of the laboratory:

16 "We are all fortunate that Louis Rosen
17 persuaded Noby to come to Los Alamos just as
18 LAMPF began work on the experimental areas
19 and research facilities. He was assigned to
20 a key position on the design, construction
21 and research utilization of a high-
22 resolution spectrometer project. That
23 project, sometimes referred to as HRS, was
24 aimed at making a nuclear physics nationwide
25 school with almost incredible precision. It

1 was and is a huge, highly advanced
2 apparatus, stretching the technology,
3 stretching the eye of the beholder and
4 challenging the builders to the utmost. The
5 HRS was a great success. It provided milli-
6 unique information and led to some
7 new theoretical approaches. Many
8 experiments have been done with the HRS and
9 many more physicists have collected data
10 there including a large number of doctoral
11 students and post students." End quote.

12 To quote Steven Greene who worked with Noby for
13 16 years, first as an undergraduate and as a graduate
14 student and post-doc and finally as a staff member:

15 "Noby seemed a quiet man and was keenly
16 observant. He was quiet. He saw
17 everything. Expecially he saw each of us as
18 individuals. He perceived how we each
19 approached our jobs in life and then worked
20 with us on that basis. He was able to work
21 with virtually anyone because of this. He
22 did not let his ego get in the way. Noby
23 worked with each of us, recognizing that we
24 each understood things and understand things
25 in our own way. In this way, he helped us

1 become more than we were. Perhaps it
2 would've been more efficient for Noby to
3 tell us just how to do things and leave it
4 at that. But Noby cared. He cared about us
5 all, which is an expression of the
6 underlying love he had for all humanity."
7 End quote.

8 In October of 1989, my husband informed me that
9 there had been an accident involving dangerous exposure.
10 Keeping in mind that this occurred approximately 11 years
11 ago, I am giving this testimony my best recollection of
12 the situation at that time.

13 When I asked him about the radiation level on his
14 dosimeter badge, he refused to share any further
15 information with me, other than that there had been an
16 accident. [ding]

17 My husband later informed me that he had written
18 to his friend, Koichi Yoshino, of the Harvard Center, the
19 Smithsonian Center for Astrophysics, Cambridge,
20 Massachusetts, detailing the accident.

21 Subsequent to my husband's death, I contacted
22 this friend and asked him if my husband had indeed written
23 a letter and whether he still had it in his possession.

24 He responded that he had received a letter and
25 would look for it but ultimately informed me that he no

1 longer had it.

2 When I tried to find out what had happened, I was
3 unable to do so and, to my amazement and dismay, I was
4 unable to determine whether or not there was even an
5 investigation concerning the possibility of an accident.

6 This has left me for nine years with unresolved
7 questions about which I have felt I could do nothing in
8 the face of the powers that be. I have since discovered
9 that other survivors have experienced similar treatment.

10 A cluster of deaths occurred within two years of
11 the time I remember my husband telling me about the
12 accident. It is my understanding that three other
13 physicists, who worked with my husband during that period,
14 died within that two-year period.

15 Another technician, I believe, followed in 1993.

16 These were all relatively young men, the oldest,
17 I believe, was my husband who was 53.

18 The possibility exists that the testimony given
19 here by all who have spoken will lead to legislation which
20 will attend to those who have already suffered from such
21 injustices and to those who, in the future, may find
22 themselves in similar circumstances.

23 It is my hope that it will also allow truth-
24 tellers to be heard rather than stifled or discredited.

25 Those who work in hazardous situations are

1 sometimes exposed to great risks. When accidents occur
2 which cause injury or death to government employees, they
3 and their families should be treated with respect and
4 compensated for their losses.

5 It is truth that has called me here today. I
6 want to know why my husband died. I've also come in the
7 name of compassion for all those who have suffered at the
8 hands of injustice.

9 As representatives of a government founded on
10 principles and values, which makes certain commitments to
11 the people of this nation, I entreat you to uphold high
12 ideals.

13 Government agencies, especially government
14 agencies, must exemplify integrity in their relations with
15 all who serve them.

16 To again quote Lewis Agnew, quote:

17 "In closing, I would like to recall for you
18 the word 'virtue'. It is not a word that is
19 used frequently these days; its meaning -
20 conforming to a standard of right,
21 particular moral excellence, manly strength
22 or courage, commendable qualities or traits;
23 Let us cherish the memory of Noby Tanaka as
24 a man with virtue." End quote.

25 Thank you. And I entreat you to let us cherish

1 the memory of Noby Tanaka and these others about whom you
2 have heard, by seeking truth and by living truth.
3 Humanity demands it.

4 Thank you.

5 (Applause)

6 DR. MICHAELS: James Smith, followed by Leah
7 Koska.

8 MR. JAMES E. SMITH: Good afternoon, Doctor,
9 and Congressman and Speaker. My name is Jim Smith and I
10 worked at the Los Alamos off and on for a few years.

11 I'm here today because of a place that I worked
12 called TA-60, Building 85, and this last year, they --
13 it's called the bevel, they put this facility in there to
14 handle trash or solid waste from all over the labs that,
15 that is -- that comes in and dips dumpsters. And the
16 problem was, I worked, I worked there for probably a
17 little over a month. But I'll get to a point that this
18 facility didn't furnish the proper protective equipment to
19 the workers inside and they didn't have the proper
20 training to work with hazardous waste and chemicals which
21 were coming through the facility, and it was shut down
22 three or four times.

23 And I raised some questions and then I was
24 replaced in the facility because of my complaints, my
25 refusing to work because of the chemicals that were coming

1 in, all kinds of chemicals. I mean if anybody, these
2 people are aware of what kind of chemicals that are
3 worked, used up here in the labs, and they run a gamut of
4 just about anything you can name; but some of these
5 chemicals were coming through there and it was a disposal
6 facility and it was being separated, cardboard paper, and
7 the chemicals were being separated by laborers on the
8 ground. I was running a loader there. I'm a heavy
9 equipment operator.

10 But what I'm getting to is that it was shut down
11 three or four times for weeks at a time because of what
12 transpired up there. And as a result, I mean I was
13 replaced over there.

14 And then just recently they had another instance
15 where they had it shut down, and what they've done since
16 then is they tell me that they've subbed it out to someone
17 else from -- Johnson Controls was running, operating the
18 facility and, in my opinion, the people who were working
19 there were not properly protected against the hazardous
20 chemicals that were coming through in those dumpsters,
21 because the labs, nobody knew what's in those dumpsters.
22 I mean it's just dumped out on a, you know, on the
23 concrete there and then it's separated, loaded on a truck
24 and taken to the county dump.

25 But I, I got -- I had to go H2 for examination

1 and on one instance.

2 But anyway, what my point, real point is, is that
3 they're not, they're -- the, the Johnson Controls and the
4 labs do not recognize that, that people do need protection
5 which we have a law, 1910-120 under OSHA, that requires
6 that people be properly protected when they're dealing
7 with unknown chemicals. And this wasn't being done up
8 until they closed it the last time and, now, they say
9 they're going to sub the thing out and that is, to me,
10 that is their answer to our complaints and wanting to be
11 properly protected when we're not, so they'll just sub it
12 out to someone else, and what happens there is, they won't
13 have to operate under the same guidelines as what we do.
14 They allow them. The playing field is not even. They
15 operate. They don't check them like they do us under the
16 health restrictions [ding] and safety restrictions that
17 we're supposed to fall under. They don't have to do that.
18 They haven't up here and it continues that way because
19 they, they have sub-- my understanding is they have subbed
20 that work out and, right now, that facility is shut down
21 again. But the people that work in there, if they're not
22 properly protected, then that's the fault of the labs and
23 DOE, Johnson Controls and all concerned because they are
24 not properly protected.

25 Thank you for your time.

1 (Applause)

2 DR. MICHAELS: Thank you. The next speaker
3 will be Leah Koska followed by Epifania and Betty Jean
4 Shinas. I'm sorry if I'm mispronounced your name. It's
5 hard to read some of these things.

6 MS. LEAH A. KOSKA: Okay. I think I'm
7 rather unique. I'm still currently employed and I'm
8 working at TA-55.

9 I began my career in 1976 at CMR. I had an
10 internal contamination exposure in 1976. At that time, we
11 did go through some tests and stuff, but I never was told
12 what amount I got.

13 Something happened in 1993, legally, your
14 bureaucracy, that they decided suddenly they were going to
15 notify people who had had internal exposure and didn't
16 want them to -- wanted them to be aware that they had
17 this. At that time, I was working in the high exposure
18 area.

19 I question the backing of fear of reprisal
20 because people that are currently working, whether they
21 have internal exposures or not, were not well-informed
22 even about this meeting, have not been adequately or
23 timely told of their exposures, if they had any, and are
24 being denied medical help.

25 I cannot get tests done. I'm arguing to get

1 diagnostic tests. I took two pain pills to get here
2 today. I have numerous health problems and I want to know
3 what caused it. I don't know if it is from the Pu. I
4 don't know that. But it's certainly there. It was 29 r,
5 for those of you that know quantities. And when you
6 calculate that out over 50 years, that amounts to -- I'm
7 already at 74 percent of my total lifetime exposure.

8 As of two weeks ago, I had -- I documented a lot
9 of my concerns and health with our occupational health
10 people. They were very patient, took all the information.
11 I was impressed. I was also told that at that time, two
12 weeks ago, there's no documentation that there's increased
13 cancer as from ionizing radiation. I do not believe it.

14 What I want is access to medical care, access to
15 money to get the medical tests and to find out what, if
16 anything, is wrong with me; and is it caused from the
17 radiation or not?

18 I also fear and have suffered in the past as a
19 current employee with no raises, low raises, poor
20 performance evaluations because I'm limited at what I can
21 do.

22 At where I work now, at TA-55, the cream of the
23 crop are those that are healthy and able to do a full
24 day's work in glove boxes, get the raises and get the pay
25 and get compensated for it

1 If you're outside, - And I'm not supposed to go
2 in because of my contamination exposure - I do not get the
3 same "reimbursement", shall I say?

4 So my concern is for the now. I, I really -- I
5 know lots of people in this room. They know me. And I
6 think it's about time we get some help.

7 I appreciate you guys coming.

8 (Applause)

9 DR. MICHAELS: Thank you. Epifania and
10 Betty Jean. Oh. Do you want to give us your full names?
11 I can't read them right. Followed by Manuel Salazar and
12 we'll bring him the microphone.

13 MS. BETTY JEAN SHINAS: It's Shinas.

14 DR. MICHAELS: If you could say it for the
15 record and into the microphone.

16 MS. SHINAS: Oh, okay.

17 MR. ARTURO SANDOVAL: Speak into the
18 microphone.

19 MS. BETTY JEAN SHINAS: The name is Betty
20 Jean Shinas. Ladies and gentlemen, --

21 DR. MICHAELS: And your name?

22 MS. EPIFANIA JACQUES: My name?

23 MS. SHINAS: Oh. Your name.

24 MS. EPIFANIA JACQUES: Epifania Jacques.

25 Ladies and gentlemen. Sorry about that. And I'm hard of

1 hearing so if you'll excuse me and bear with me.

2 Ladies and gentlemen, distinguished panel, my
3 name is Epifania Jacques. I am here to speak on behalf of
4 my family in regards to our father, Manuel Sosa Almeida.

5 My father was born on December the 25th, 1914.
6 He died at a considerably young age of 68. My father
7 started working at the Zia Corporation in 1946 and ended
8 his employment 36 years later in 1982.

9 Zia was the subcontractor for the lab. He was a
10 sheetmetal worker, a master at that. He was a tender who
11 often worked on the -- on the labs' venting systems and
12 metal work on the facility itself. He was loved, admired
13 and respected by his co-workers who elected him as their
14 representative of their local union.

15 My father was involved in the development of the
16 facility. A great part of his life was dedicated to his
17 job. My father drove to and from Santa Fe and he drove
18 from Santa Fe to Los Alamos for 36 years. In these years,
19 my father, even if he didn't feel well, would get up in
20 the morning with great enthusiasm, showed up at his job
21 every day. My father's life mainly consisted of family
22 and work.

23 In December of 1981, my father was diagnosed with
24 inoperable cancer and given two months to live. His
25 strong will and optimism were there until the very end.

1 He died surrounded by his loving family. We all took care
2 of him.

3 My mother was widowed at the young age of 62.
4 Her health deteriorated shortly after that. She suffered
5 a massive heart attack and we have endured and witnessed
6 long periods of depression in her. She has been bedridden
7 for the last six years. We have provided round-the-clock
8 care for her. She receives Social Security and a small
9 pension.

10 Now, I'd like to tell you about our and our
11 father's loss. My mother was robbed of the luxury of
12 enjoying our father's retirement years and the loss of
13 companionship, of celebrating her 50th Wedding Anniversary
14 a couple of years later.

15 We have lost having our father's presence with us
16 and, most especially for myself, those Christmas mornings
17 when it was his special birthday. We loved our father and
18 had such great admiration of him.

19 And as for my father's loss, he raised five
20 daughters and one son. He had 22 grandchildren. He would
21 have loved to see 11 of his grandchildren attending
22 college at the same time. Although they all graduated
23 from high school and went on to earn degrees, Bachelors
24 and Masters degrees, one of the things that would have
25 brought a chuckle, a smile, and such happiness to my

1 father is -- and such pride, is that he had a consentido,
2 which in Spanish means pride and joy, his grandson,
3 Steven, who became a doctor [ding] and great grandchildren
4 that he will never -- he never got to meet. He was known
5 affectionally by his grandchildren as Lolo. What a loss!
6 This is a personal loss!

7 And I have an afterthought here. We are a
8 government of the people, for the people, and I'd like
9 this to work for the people. And I have -- I've really
10 heard horror stories here today and I appreciate the fact
11 that you're giving it such thought, consideration and I
12 hope that you will think of each family that is here.

13 And another thought that I got was that, you
14 know, veterans are compensated. They give up their lives
15 for their country and I think these people gave, in a
16 certain sense, have given up their lives, working for Los
17 Alamos.

18 Thank you for this hearing.

19 (Applause)

20 MS. BETTY JEAN SHINAS: My name is Betty
21 Jean Shinas and I'm one of the daughters. I just wanted
22 to share that there is no doubt in my mind that my father
23 was exposed to toxic chemicals. He often shared that he
24 was taken to high security areas and he would work on the
25 venting system.

1 My dad died of cancer. He had lung cancer and he
2 had throat cancer. The reason I know this is because at
3 the very end, he couldn't even swallow, he couldn't eat,
4 he couldn't even take a drink of water.

5 So I can say that my dad suffered greatly, but he
6 died with dignity and the dignity was that he died in our
7 arms and I hope that we, that the family, can get
8 compensated.

9 I know my mother has suffered greatly with the
10 loss of my dad and we certainly have suffered for the loss
11 of my father, and I thank you for this time.

12 (Applause)

13 DR. MICHAELS: Thank you. Our next speaker
14 will be Manuel Salazar and we'll bring you or hand you the
15 microphone, followed by Andrew Medina. Manuel Salazar?
16 Mr. Salazar?

17 [Outer chambers call made for Mr. Salazar]

18 DR. MICHAELS: Perhaps, Andrew Medina, if
19 you'll come up while we're trying to find Mr. Salazar.

20 MR. ANDREW MEDINA: Good afternoon. My name
21 is Andrew Medina.

22 I used to work for Los Alamos National Labs. I
23 worked in areas under great high-voltage, PCVs,
24 trichloroethylene.

25 I'm not here to speak bad about the labs. The

1 labs have brought up myself and my family. My dad put 33
2 years. My mom still works for DOE. She's put in 51
3 years. My sister has dedicated her life to this conquest
4 that's going on right now. I think if there was 10 days
5 in a week, she'd probably work 'em.

6 There are still safety hazards going on in Los
7 Alamos that need to be looked into. I'm here to speak for
8 those that are sitting in the media-free area because they
9 can't come up and speak because they will be retaliated in
10 their jobs. I don't really care. I don't work for the
11 labs. I do work in Los Alamos but not for the labs.

12 There's areas that need to be looked into. I
13 presently work in water and wasterwaste field. You have
14 area TA-50 that needs a lot of work, that handles all
15 radioactive materials in Los Alamos, a very old plant, and
16 they don't want to put any money in it. So I figure if
17 you want to work, continue to test and handle this
18 materials and equipment, I think you ought to dump your
19 money into building a better plant.

20 I feel very deeply for these people that have
21 come today and have spoken but we also have to look for
22 the people that are working there now and their health and
23 their future.

24 I lived in Los Alamos for eight years as a child.
25 One of the areas where we used to live is closed off

1 because it's highly radioactive. We didn't even know that
2 it was that until I moved back later.

3 There is still a lot of Los Alamos that is
4 radioactive. The clean-up definitely has to continue.
5 If the testing's gonna go, fine. But I think it should be
6 done safely and the money should be dumped into safety and
7 clean-up and health.

8 Thank you for listening to me.

9 (Applause)

10 DR. MICHAELS: Mr. Salazar? No? No. Well,
11 let's go on. The next speakers will be Darleen and Linda
12 Barela, followed by Luis Sanchez.

13 MS. DARLEEN ORTIZ: Good afternoon. Thank
14 you for coming to listen to us. I just wanted to give you
15 information. My name is Darleen Ortiz.

16 I did have a father who worked at the Zia Company
17 in Los Alamos. He did start working on construction on
18 the roads back in 1949 and he landed up [ding] working
19 with the Zia Company -- Is that it?

20 DR. MICHAELS: No-no-no. No. Sorry.

21 (Laughter)

22 DR. MICHAELS: The last speaker has to
23 finish now.

24 MS. ORTIZ: That was quick.

25 (Laughter)

1 DR. MICHAELS: Okay.

2 MS. ORTIZ: He did work with the Zia Company
3 as a laborer. He was a custodial worker. He worked for
4 many, many years in many different sites.

5 He did a lot of clean-up work. He did clean-up
6 work with a machinist in all of the labs, every place that
7 you could probably imagine, they used him whenever they
8 needed him and wherever they needed him. Who knows what
9 he was exposed to in all the years that he did work there.

10 We are grateful for the work. He did come from
11 Northern New Mexico for that reason. He was born in
12 Levida and he came down to feed his family and to also
13 work in the labs. He had five girls, five children. We
14 also lived in Los Alamos. I was born in Los Alamos.

15 He was also a man that used to live off of the
16 land because basically that was what he was taught to do.
17 So when we used to have family outings, we used to also
18 learn to live off of the land.

19 We used to go on several picnics, drink the
20 water. We used to enjoy the fresh strawberries that used
21 to grow around. He used to bring home the biggest pinons
22 that we've ever seen in New Mexico and we did that several
23 years and we used to fish in all the streams and lakes in
24 the surrounding area and he always used to bring home a
25 deer every year. He knew where the deers actually roamed

1 and ate the grass in those areas.

2 So we also were exposed to a lot. Maybe second
3 hand than what he was. But he also was exposed to so many
4 things.

5 He did have a heart attack while he was working
6 in the labs. He was shoveling snow at the time. He was
7 very young. He had one of those very first bypasses at
8 the Veterans Hospital. He was not compensated by Los
9 Alamos at that time for that heart attack. Basically the
10 Veterans Hospital was the one that helped him with that
11 heart attack and bypass that he had to go through.

12 He did have stomach problems. He had to have 65
13 percent of his stomach removed at one time. His health,
14 after working in the labs was not very good.

15 He did have a very rare cancer in his scrotum
16 that was very hard to identify. They finally identified
17 it as skin cancer. It was removed in 1992, after my
18 mother had died of colon cancer, which we all lived in Los
19 Alamos, he also died of a tumor. He had a huge tumor in
20 his throat and he died of lung cancer shortly after my
21 mother. It was a span within maybe three years that we
22 lost both of them.

23 And since then, everybody in our family has
24 basically had had health problems, stemming, myself, to
25 our children, also. My daughter even had pancreatitis at

1 a very young age and we've had tumors.

2 I was born in Los Alamos. I was born with a
3 rumor in my leg. It was removed. My mother had a
4 hysterectomy and she had to have a miscarriage in Los
5 Alamos, I would have had a brother two years younger than
6 me, and she was full of tumors at that time.

7 So a lot of these things, I think basically have
8 come from what my father used to tell us and he told us
9 that he used to bury things. They used to make him bury
10 hot things, is what he told us.

11 There was one time he was driving a truck that
12 needed to be buried and he was passed out, he passed out
13 in that truck and he had to be removed from driving that
14 truck to be buried; and he knew of shovels and hammers and
15 everything else that was buried up there which he was a
16 part of, so God Knows what type of chemicals he was [ding]
17 exposed to.

18 But if anything can be done to help the future
19 and to preserve our land which we were brought up to learn
20 to love and to live off of, if we can protect that and the
21 future, that is what my wish is.

22 (Applause)

23 DR. MICHAELS: Thank you. Please be very
24 short, if you would, please.

25 MS. LINDA BARELA: I will. My name is Linda

1 Barela and I am the daughter of Max Ortiz. My father
2 worked at the lab for many, many years and I just want to
3 make this a tribute to all the workers in Los Alamos who
4 have experienced health problems or have died in their
5 working effort at the lab.

6 My dad was a proud person and, you know, he would
7 have, you know, been very vocal here today, I'm sure.
8 Unfortunately, he's passed on.

9 I have heard today a lot of lung disorders, lung
10 diseases, lung cancer. My father died of lung cancer.

11 I have been diagnosed and was misdiagnosed for a
12 long time with a long disorder. I have something called
13 sarcoidosis which is an autoimmune disease and they are
14 not even sure of that. So I am here saying that
15 generations may be affected beyond today. I don't know if
16 my grandchildren will be affected or whoever.

17 But this is a tribute because I want it known
18 that people should, you know, take every precaution for
19 generations, not just for the people that are here today
20 but for generations.

21 And thank you for your time.

22 (Applause)

23 DR. MICHAELS: Thank you. Our next speaker
24 is Luis Sanchez and then followed by Joseph Becerra and
25 then we're going to take a break so I'd like to ask

1 everybody to please be brief. We have a tremendous number
2 of speakers who still would like to speak.

3 Mr. Sanchez? We'll come back to Mr. Sanchez.

4 Joseph Becerra? Joseph Becerra?

5 I'll put them on the side and they can testify,
6 themselves, later.

7 Antonio Maestas will be our final speaker. No?

8 Alex Smith?

9 MR. SMITH: Right here.

10 DR. MICHAELS: Okay. You'll be our final
11 speaker before the next break.

12 MR. ALEX L. SMITH: Good afternoon, Senator,
13 Representative, Secretary.

14 My name is Alex Smith. I'm a veteran of the
15 World War II. I served in the European Theater and I came
16 back. I had a little remaining time on the honoring end.
17 They sent me to Los Alamos to finish out. I was a GI.

18 I went there in November of '46, got discharged
19 in '47, May. Went to work for the lab in a chemical
20 warehouse which was, in those days, a reconstructed horse
21 stable from the old school days.

22 Our jobs were to issue chemicals, organic
23 chemicals and laboratory glassware and when we weren't
24 busy, we worked on a mercury still. The mercury came in
25 in steel flasks, we'd wash it in acetone several times and

1 then they had a hot plate there and we'd put it in a small
2 container and boil it, and it'd go up through this still.
3 It was made of glassware, like a whiskey still, and it
4 would come out on the other end in a bottle of pure
5 mercury.

6 And no ventilation. It was in one little cubby
7 hole there about eight-by-eight, no ventilation or
8 nothing. No exhaust fans.

9 So I'd worked there about eight months and was
10 home in the evening and, all of a sudden, my face started
11 swelling up and my eyes went shut.

12 My wife said, "What's the matter with you?"
13 [ding]

14 I said, "I don't know."

15 So I went to the Q Building the next day and told
16 Dr. Whipple, who was in charge there, what had happened.

17 "Well," he said, "I don't know. It must be a
18 reaction." So, never done anything. Just sent me -- told
19 me to go home till I felt better.

20 So this happened, this happened, you know, again.
21 And then again. Now, I'd go down there and no treatment
22 and no investigation. No nothing.

23 Luckily, the next time it happened, I ran into --
24 I got to see Dr. Harriet Hardy who's been mentioned before
25 and she said, "Son, where do you work?" I was young then.

1 (Laughter!)

2 And I told her, I said, "I work at the chemical
3 lab house." And she said, "Well, what are your duties?"
4 I told her. And when we're not busy issuing chemicals,
5 then we run a mercury still.

6 "A what?"

7 "We operate a mercury still."

8 She said, "Take me up there and show me that
9 mercury still." And so I did. And that was the last day
10 the mercury still ever, ever operated.

11 And so there was three of us operating the still;
12 Robert Thompson, Louis Cavellia and myself. Robert quit
13 there right after that and he went to Texas and died.
14 From what, I don't know. And Louis lost all his teeth.

15 Dr. Hardy took us over to the medical center
16 there. In the old days, it used to be right next door to
17 Ashley Pond. And she showed the doctors. We all had, we
18 had a blue line around our teeth, in our gums, and she
19 said "This. This." The first scientist, well, he even
20 spotted it the first thing. Well, that was all. She'd
21 take us over there and show us to the doctors and that was
22 it.

23 So Louis, like I say, lost all his teeth and he
24 wondered why he lost his teeth and I didn't lose mine and
25 she told him, "Well, he's young and strong and probably

1 his system is better than yours."

2 Anyway, to make a long story short, I suffered.
3 I think I've read articles about this mercury. I suffered
4 from depression. I went to see a psychiatrist when I was
5 working there at the lab and they sent me to Sandia Vista
6 Hospital for awhile and then I continued to see a
7 psychiatrist in Albuquerque named Dr. Bull for about two
8 or three years and he wasn't helping me so I just decided
9 I'd try it on my own.

10 I still suffer from it but at least I can fight
11 it and I'll make it. As you can see, I'm 73 years old.
12 And but Bob and Louis are gone and I'm the lone survivor
13 of the mercury and I'm the one they found it on and they
14 have never -- When I retired in 1982, I asked them about
15 it. I'd like to see it on my medical record. They have
16 no, no record of it whatsoever.

17 And so about 12 years ago, I decided that I'd go
18 talk to a lawyer. I had read some articles on what this
19 mercury can do to you, how dangerous it is and I went to
20 see a lawyer and he told me the statute of limitations had
21 run out, so I never did anything.

22 I had a friend -- I had heard that this Dr. Hardy
23 was a professor at MIT, so I had a friend in Los Alamos
24 that was a regular of MIT and he contacted I guess the
25 personnel and I located it and he personally talked to her

1 about this case and, conveniently, she doesn't remember a
2 thing.

3 So that's my story. Thank you for hearing me.

4 (Applause)

5 DR. MICHAELS: Thank you. Both Senator
6 Bingaman and Congressman Udall have additional meetings to
7 attend, and I'll give them an opportunity to make some
8 statements.

9 AUDIENCE MEMBERS: Ahhh.

10 SENATOR BINGAMAN: Let me just say this is
11 very useful and I think the testimony is something that we
12 can use in drafting, redrafting the legislation that I've
13 introduced in the Senate and has also been introduced in
14 the House so that it covers the types of injuries that I
15 have heard about here and we're sure that it covers all
16 that's necessary and also deals with this issue of
17 retaliation, to be sure that that does not occur and also,
18 of course, it deals with these problems of lapsed statutes
19 of limitations and all of that.

20 So there's a lot that we can do that clearly
21 we've not yet put into legislation. I think it's been
22 very useful.

23 Let me just indicate. Bob Simon is right here.
24 Bob, stand up, please. Bob is the Chief Staff Person for
25 us on the Democratic side in the Senate Energy Committee

1 which has jurisdiction of this issue there and Bob will be
2 here all afternoon to hear all the testimony and then to
3 inform me when we get back into Washington this next week
4 on what changes we need to make in that legislation.

5 And also, Delores Garcia, who may be in the room,
6 I don't know, but Delores works with me in our Santa Fe
7 office, we're on Marcy Street there in Santa Fe, and she
8 is here today, as well, and with people who have
9 individual problems that we need to give attention to, I
10 hope you will -- There's Delores right there -- and,
11 please, any of you that have an individual problem that I
12 need to know about or we can help with, please try to talk
13 to Delores, as well.

14 Thank you again for having this hearing.

15 The Department of Energy I think is doing the
16 right thing. It has been a long time coming, as we've
17 said, but they're doing the right thing and Bill
18 Richardson deserves substantial credit for that and we are
19 now finally getting getting the information out to the
20 public so that we could deal with these problems.

21 And I very much appreciate all of you who have
22 testified and are planning to testify. Thank you very
23 much.

24 (Applause)

25 CONGRESSMAN TOM UDALL: Let me first of all

1 just say to all of you that have so far shared your
2 stories with us and your very personal details of your
3 life how much I appreciate it. I think it takes a lot of
4 courage to stand up in the climate we're in and step
5 forward and tell the story.

6 And, truly, several people said that they were
7 atomic veterans and that's what these people were and, you
8 know, there's all this discussion about what we're doing
9 about the waste and how much money we're spending on the
10 waste. I mean there were people that were wasted and so
11 we need to take care of them.

12 And there's one point that's been made here about
13 losing the records? That is -- It's just appalling to me
14 that the records, crucial records, health records could be
15 lost. And we can draft legislation to make sure that the
16 government has to bear the burden if they use -- if they
17 lose the records.

18 (Whistles)

19 So don't, don't, you know, don't worry about that
20 part of it. We're going to take care of it.

21 (Applause)

22 It's not going to inure to the government's
23 benefit to be able to say, "Well, we don't have any
24 records." If people were employed and got occupational
25 exposures and got diseases as a result and they lost the

1 records, then the government has the burden on that.

2 I also -- My District Director, Michele
3 Jacquez-Ortiz, she will be sitting here. My Press
4 Secretary, Deborah Martinez will be here. I will
5 personally listen to and read and be briefed by them as to
6 everything that goes on after this break.

7 So let me also thank Dr. Michaels and Bill
8 Richardson for being here. Thank you very much.

9 (Applause)

10 DR. MICHAELS: Thank you Senator Bingaman
11 and Congressman Udall and staff.

12 We're going to take a brief break. We'll
13 continue with Willie Barreras. Jeff Judge, the Deputy
14 Assistant Secretary of Environment, Safety & Health from
15 the the Department of Energy will be here, sharing in my
16 place for the second half of the meeting.

17 Thank you all.

18 * * *

19 (Recess from 2:40 to 3:05 p.m.)

20 Ms. Carol Oppenheimer and Congressional
21 staff delegation present for this session)

22 * * *

23 MS. CAROL OPPENHEIMER: Okay. I am not
24 David Michaels. I'm Carol Oppenheimer and I was supposed
25 to moderate this wonderful and important historic event

1 and, unfortunately, I sat at the gate for three hours in
2 Boston yesterday while they were de-icing the plane and I
3 was biting my fingernails and upset and I missed my
4 connections. So I drove up at record speed and I'm here,
5 so I'm very happy to be able to at least help on the
6 second part of today's session.

7 And I know there are so many people that want to
8 speak and we have an order that has been established that
9 I'm inheriting. We're going to get through whoever is
10 here and is willing to stay.

11 But if everybody could try to keep their remarks
12 as short but important as possible, that would be helpful
13 and we are starting with Mr. [Willie] Barreras.

14 MS. BARBARA MILLER: My name is Barbara
15 Miller. This is my father, Willie Barreras. He worked in
16 Los Alamos Lab for 13 years. He commuted everyday from
17 Albuquerque to Los Alamos. He rarely missed a day of
18 work.

19 When he first started working there, he was very
20 active in square dancing. He was very active with his
21 family, six children, two boys, four girls. We used to go
22 camping. We used to visit all of New Mexico, just
23 visiting all the campsites, having a great family time.

24 My father was exposed to radiation in Los Alamos.
25 He's been very, very ill for the last 10 years. He's got

1 asbestos in his lungs. He's had heart attacks, strokes.

2 He does not have any balance at all.

3 He started out with a cane. From the cane, he
4 went to a walker. Now he's in a wheelchair. He's
5 completely dependent on my mom. My mom is a very strong
6 lady. I admire my mom and my dad quite a bit.

7 My mom keeps our family together. All our
8 sisters and brothers work very hard to take care of our
9 parents.

10 My dad has had lots of tumbles. He falls quite a
11 bit. My mom's always there to pick him up. She takes
12 very good care of him.

13 He's had neck surgery. He chokes very easily and
14 it's very hard for him to communicate with us. I have a
15 very hard time understanding him. My mom has to translate
16 all the time for my dad.

17 My dad was forced into his retirement because of
18 his illness. While he was so sick he was unaware that he
19 had to roll over all of his retirement plans. He lost
20 lots of money because he was so ill and unable to take
21 care of himself.

22 He worked with a backhoes in Los Alamos, exposed
23 to radiation. Probably everything that Los Alamos ever
24 came up with, this man was exposed to.

25 He has quite a few grandchildren, grandchildren

1 that he cannot run and play with. My children are already
2 big and they understand that grandpa is ill. They are
3 very heartbroken that he's never been able to run and play
4 with them.

5 When my children see pictures of my dad, old
6 videos of him walking around, they go, "Who is that?"

7 And I say, "That's grandpa." And I go, "Isn't he
8 a handsome man?"

9 And they go, "That is grandpa?!"

10 It's amazing that this man has changed so much in
11 10 years. We are here speaking or I am here speaking on
12 behalf of my dad because my dad cannot speak.

13 I'm hoping that this never ever happens to
14 anybody else's father because it is too heartbreaking.

15 Los Alamos, the government, they are all
16 responsible for everybody's health, everybody that worked
17 there. These people need answers.

18 And like you've heard before, it not only affects
19 their generation, it affects our generations and many
20 generations to come and hopefully something good will
21 become of this meeting.

22 Thank you

23 (Applause)

24 MS. OPPENHEIMER: Thank you. Okay. I'm
25 going to give the next speaker's name. It's Joe Becerra.

1 Is he here, Mr. Becerra? All right.

2 And the speaker after that is Mr. Leo A. Vigil.

3 And let me then give you the speaker after that that
4 should come up to the front so we can minimize the pauses
5 in between; it's Corville Nohava. Are you Mr. Nohava?

6 MR. NOHAVA: Yes, I am.

7 MS. OPPENHEIMER: Okay. Very good. Thank
8 you. Okay, Mr. Vigil.

9 MR. LEO A. VIGIL: Thank you for allowing me
10 to say the few words that I'm going to say. It's
11 concerning I was in Los Alamos since I was 18 years of age
12 and I was involved in all kinds of, of moving of things
13 that were contaminated.

14 And I was barely 18 years of age when I lived up
15 there and my case is that I was contaminated on several
16 times. They even had to go check my house but, you know,
17 they never done anything to it. I had my, my -- some of
18 my clothes were contaminated and I went back the next day,
19 and on the next day I checked myself and I found that I
20 was really contaminated.

21 And I talked to the people that were there in
22 charge and, "Boy, it was your fault."

23 I don't see why it was my fault when I used to
24 carry hundreds and hundreds of tons, tons of material, you
25 know, barrels full of liquid, contaminated material, all

1 kinds of nuclear waste, high explosives.

2 And as a matter of fact, we had Tom, Tom
3 Archuleta, who sits over there, and had a -- he talked
4 about being in the hot dump and he could testify to this.
5 I was there way before he was.

6 And my problem is that, you know, I went to the
7 doctor there, the company doctor, and I would tell him
8 what wrong was, was wrong with those and the needs, and
9 they would say, oh, no, that's nothing, it's just the
10 tears, you know, or something. But they didn't care about
11 it. And a lot of our people that had testified here, they
12 say the same thing, that, you know, we were just
13 neglected. We was just the guinea pigs over there.

14 And I am sick and tired of seeing people with the
15 same complaints and none of them have ever had any help
16 from the government.

17 I understand. I was there. I went with the
18 Atomic Bomb to Trinity Site. I was one of the guys that
19 went up there, very young, just about.

20 From there on, I used to be, all the time, in the
21 hot area. I helped them when they start to making
22 plutonium, which is not even the scientists knew about it,
23 how to control it. I used to work beside Mr. Oppenheimer,
24 Bradbury, and all the other scientists over there.

25 But I never heard anything after my problems, you

1 know. I was told that a little baby oil, it would cure my
2 skin, or if I have a rash or I had over heat. I had a
3 heart, a heart problem, you know. I had a triple bypass.
4 I had itching problems. I was disabled from Los Alamos in
5 1981 because of my itching and, up to date, I haven't got
6 anything that it would've helped me.

7 And I even had a -- I have a number, you see, I'm
8 a number over there; they know my number. But do you
9 think they have ever called me at home? Not at all. They
10 have no concern with me or any of the other people that
11 have talked here because they're all the village people,
12 most of you I know personally, because I worked there for
13 38 years.

14 I started there, like I said, young. And now I'm
15 an old man and, still, you know, I'm still -- I feel sick,
16 you know. I feel depressions at night. Sometimes I can't
17 even sleep.

18 My vision, I had to wear these, you know. [Dark
19 glasses] I can't see.

20 MS. OPPENHEIMER: You know, for the record,
21 Mr. Vigil, you just picked up some sunglasses. Are they
22 pretty strong sunglasses that --

23 MR. VIGIL: Well, I have to have these
24 because once I get outside, I can't see a thing.

25 MS. OPPENHEIMER: Okay.

1 MR. VIGIL: And so, because my vision, I was
2 disabled from this.

3 MS. OPPENHEIMER: The only reason I
4 interrupted you was that the Court Reporter is taking down
5 everything you're saying and she won't -- if you say "I
6 have to wear these," I want to make sure that it's clear
7 what you're referring to and I think we've established
8 that.

9 MR. VIGIL: Well, these are just sunglasses,
10 you know, because of the reflection, even though the
11 reflection now, I can see a little bit from where you're
12 sitting there.

13 And, this problem, they never did anything to
14 help me. I was -- I even took a contaminated clothes from
15 Los Alamos to my house, and the next morning, I went up
16 there and I had the idea of checking myself sometimes, you
17 know, with the laboratories. And I found out that I was
18 hot and I called some of the monitors there and what they
19 told me was, "Yeah, you're really hot. It's your fault
20 that you're hot." And, see, they try to blame it on you
21 and I said, "Well, you'd better go check my house because
22 I was there with these hot clothes." And they kind of
23 refused. They said, "No. That will take a lot of
24 paperwork." And I said I don't care if you have to watch
25 it, why should it be easy? Why, I have to go home,

1 myself. I don't care about the paperwork. You're gonna
2 go and check my house. And that's how they went up there.
3 And there was a man here, you know, Manuel Salazar, that
4 he could've verified this 'cause he used to be worked with
5 the EOC, he was the man that would pay for damages that
6 was causing our contamination, but he's not here.

7 Anyway, not to make it any longer, you know what.
8 I mean is, I could see all the problems that have been
9 staged over here this morning and this afternoon, too.
10 And we're sick and tired. This is a problem, you know,
11 that they don't care, the government.

12 We helped them to win the war. We won the war in
13 Japan. In Japan, they have spent millions of dollars if
14 not billions and, over here, the people that worked on the
15 project, we have never been recompensed for it. Nothing.
16 We just gonna be just nothing. You did it and we don't
17 care if you die.

18 Now, that's the problem and it's true. And I
19 know. I have talked to Washington, D.C. about it. They
20 have never answered me anything. I have a bunch of
21 letters here --

22 MS. OPPENHEIMER: Sir.

23 MR. VIGIL: -- that I would you to have.

24 MS. OPPENHEIMER: Very good. Unfortunately
25 the timer I think has been so overworked today that it's

1 not working.

2 (Laughter)

3 MS. OPPENHEIMER: But your time is up. We
4 really appreciate your coming and testifying.

5 MR. VIGIL: Okay.

6 MS. OPPENHEIMER: It would be helpful if you
7 feel comfortable doing that, giving that information. I
8 think you can give it to the Court Reporter.

9 MR. VIGIL: Okay. Like the rest, I wanted
10 to say, you know, that I am glad to see you people here.
11 Probably something will be done now. Because, you know, I
12 have letters when they started, even when it was in the
13 media. We had it in CNN and all this and nothing happened
14 with it. I wasn't even there or a number there and that's
15 as far as I am: a number.

16 MS. OPPENHEIMER: Well, let's hope that
17 we're going to be able to change that.

18 MR. VIGIL: Well, thanks a lot.

19 MS. OPPENHEIMER: So thank you very much for
20 coming.

21 (Applause)

22 MS. OPPENHEIMER: Okay. Sir, Mr. Vigil, if
23 you are interested and you'd like to give that
24 information, I think she'll --

25 MS. KATE KIMPAN: I'll get it.

1 MS. OPPENHEIMER: Okay. That's fine. By
2 the way, my last name, as I said, is Oppenheimer, but just
3 so nobody comes up: I am not related except through my
4 ex-husband to the Oppenheimer family, so I probably should
5 explain that. And I now know how to work the timer.
6 Okay. So Mr. Nohava.

7 MR. CORVILLE NOHAVA: Thank you. I really
8 appreciate the opportunity.

9 MS. OPPENHEIMER: Hold on one second. I'm
10 going to announce two people, not to take away from your
11 time, but Baudilio Baca, is he here?

12 MR. BACA: Yes, I am.

13 MS. OPPENHEIMER: Okay. Mr. Baca, why don't
14 you come forward so that you can come next, and after that
15 will be Frances Maldonado. Is Frances here?

16 MS. FRANCES MALDONADO: Here.

17 MS. OPPENHEIMER: Okay. Very good. Thank
18 you.

19 [Conversation next to Court Reporter]

20 MS. OPPENHEIMER: Kate. Kate, could you
21 move, because the Court Reporter is having trouble getting
22 down the essential information. Thank you. Okay. All
23 right. We're ready.

24 MR. CORVILLE NOHAVA: Thank you. I
25 appreciate the opportunity to come to speak. I want to

1 let the audience know in particular that I am a Department
2 of Energy employee and I come here to bring a personal and
3 a little bit different perspective regarding the issues
4 being discussed today.

5 A couple of things I want to mention at the
6 beginning is that, first of all, I heard a number of folks
7 talk about the lack of information on medical and industry
8 literature regarding beryllium disease and that's --

9 MS. OPPENHEIMER: But, sir, excuse me, I
10 want to -- I understand. Are you a worker that is talking
11 about an illness that you or a family member had?

12 MR. NOHAVA: I'm going to talk about my
13 personal exposure to beryllium.

14 MS. OPPENHEIMER: And about an illness that
15 you had, as a result of that?

16 MR. NOHAVA: Well, --

17 MS. OPPENHEIMER: Why don't you go ahead and
18 do that.

19 MR. NOHAVA: -- yes. Yes.

20 MS. OPPENHEIMER: Because that's what this
21 hearing's about and we have a lot of people here.

22 MR. NOHAVA: I know. I know. I'll get to
23 that very quickly but what I want to do is inform the
24 audience --

25 MS. OPPENHEIMER: No. We're here to hear

1 about illness.

2 MR. NOHAVA: All right. Okay.

3 MS. OPPENHEIMER: So go right to it, please.

4 MR. NOHAVA: All right. I'm going to go
5 right to it.

6 First of all, I want to say that I believe it's a
7 fair statement to say that beryllium disease, specifically
8 chronic beryllium disease is really a time bomb. It's
9 what I consider to be industrial AIDS.

10 It's a disease that attacks the immune system of
11 the body and will eventually kill the individuals who have
12 it and that's per information provided me by medical
13 experts.

14 I got my exposure to beryllium at the Rocky Flats
15 Plant in Colorado and I got my exposure not as a beryllium
16 worker but as an administrative employee who would go into
17 the beryllium areas to conduct various aspects of my
18 business.

19 And I have received enough beryllium so that I
20 now am at what most physicians I believe would consider to
21 be Stage II of beryllium disease.

22 Stage I being insensitization to beryllium.

23 Stage II being when you start getting
24 inflammation of the lungs.

25 And Stage III, frankly, is when you die.

1 And so I'm at the beginning of Stage II. I go to
2 the University of Pennsylvania's Hospital in Philadelphia.
3 In fact, I'll be going again next month for -- In this
4 case, I haven't been there in two years. But most years,
5 I go every year and I get tested, including a bronchoscopy
6 which is, for those who don't know, the insertion of a
7 tube through your nose, down into your lungs, and then
8 inserting another device inside of that tube so they can
9 take snippits, if you will, of your lungs and thereby test
10 that tissue. It's not a pleasant thing. It's not
11 anything that anybody in this room will want to do.

12 In terms of experience relative to Workers
13 Compensation, and I know that the Congress is looking at
14 putting nonfederal people under the Federal Workers
15 Compensation Program, it's no cake walk, let me tell you.

16 I have at least a three-ring binder full of
17 documents that I've sent back and forth with the
18 Department of Labor and other people, to document my
19 particular situation and I thank God that I'm not in a
20 condition as some of the people that we've seen here
21 today.

22 But if I were, I don't have a lot of confidence
23 that the Labor Department would provide a lot of
24 assistance. They're adversarial. They're not friendly
25 people to talk to. I received a voice mail a couple of

1 years ago telling me, don't be calling them up and leaving
2 them two voice mails; one's enough.

3 I was told earlier this month that they couldn't
4 locate my file, that it was closed, because I hadn't sent
5 anything to them in the past year. And in fact, they have
6 received everything that I've received in the way of
7 complete examinations from the physicians -- the physician
8 that examines me and meets with me at my medical
9 evaluation.

10 A couple of things that I want to mention
11 relative to the Workers Comp Program, too, and that is, if
12 you find that you have something that's wrong and you
13 don't file a claim within two years, you've lost all your
14 rights. I think that's grossly unfair.

15 (Applause)

16 A lot of people, years later, find out they have
17 something or find out what the cause of it is, then it's
18 just too damned bad. That's the government's approach.

19 If you're gonna get medical treatment, you have
20 to get approval from the Department of Labor for the
21 doctor you're going to see [ding] before you can even see
22 the doctor.

23 MS. OPPENHEIMER: I'll give you a couple
24 more, a little bit of time more.

25 MR. NOHAVA: Okay. And to kind of wrap that

1 train of thought up, you also have to pay for all your
2 medical expenses and then send your bills into the
3 Department of Labor and if they decide they're acceptable,
4 then they'll pay them. And if they're not, then it's too
5 bad, They're your own bills.

6 And the last thing relative to payment is that,
7 or, I should say Workers' Comp is that I think the
8 experience of the government is that it's easier to get a
9 nonwork-related disability, by far, than it is anything
10 that's work-related.

11 And I think that the final thing that I would
12 like to say relative to this particular program is that in
13 my experience with DOE, is that I've received a lot of
14 positive support from the folks in Washington in the
15 Department of Energy for my particular situation and I
16 have a stronger comfort level with a program of this
17 nature being run out of the Washington, frankly, than I
18 would out of field offices where there are other
19 priorities that seem to be a lot higher in the minds of
20 local managers and executives.

21 Thank you.

22 MS. OPPENHEIMER: Thank you very much.

23 (Applause)

24 MS. OPPENHEIMER: Okay. Mr. Baca, you are
25 up. And let me then call Ramon Romero. Is Mr. Romero

1 here? Okay. Let me then move on to the next person.

2 Eloy Roybal? Is that you, Mr. Roybal? No, it's not.

3 Okay. Mel Chaney? Okay. Come on up, you're going to be

4 third. Okay. Go ahead, Mr. Baca.

5 MR. BAUDILIO G. BACA: Okay. Can I get your
6 permission, I'd like to stand up.

7 MS. OPPENHEIMER: All right.

8 MR. BACA: I can speak better and sing
9 better when I'm standing up.

10 (Laughter)

11 MS. OPPENHEIM: All right. Okay. Very
12 good. We need a little music.

13 MR. BACA: Okay. All right. First of all,
14 I'd like to quote, make a quotation of my best author,
15 Helen G. White and she said that the reason for living and
16 existing in this world is to find a meaning and to find
17 justice so that the innocent will not suffer along with
18 the guilty.

19 My name is Baudilio Baca. I'm a Vietnam veteran.
20 I'm part of a third generation working up in Los Alamos.
21 My father, my uncle, myself and my young son, my son,
22 together, amongst us, we have 112 years of work up there
23 in Los Alamos.

24 I have worked at the DP, the demolition of the
25 DP. I recognize most of the people here and I recognize

1 most of the people that had spoken and I also -- Well,
2 when my father died, which he was a good judge of
3 character, he told me, "Bobby, don't ever lose your sense
4 of humor and don't ever lose the freedom of speech.

5 And I believe that each and every one of us here
6 today are trying to exercise our freedom of speech, and
7 with trying to exercise that freedom of speech, that we
8 were all born with, as United States citizens, we have
9 also acquired the freedom of speech by serving our
10 government.

11 I have served my government in several ways. I
12 served in the Vietnam War. I served as a welding
13 instructor in the Army, instructing people. Later on, I
14 served as a welding instructor in Germany. Then I went up
15 to Los Alamos and I worked up there and I've been working
16 there for 26 years.

17 I took part of the demolition of the DP and then
18 I was transferred up to TA-55 area and became the senior
19 welder/pipefitter there for 13 years. Took part of -- I
20 think a lot of you that know me can testify to the fact
21 that I have been involved in most of the major operations
22 up there, highly contaminated operations.

23 I did not come here today to claim any injury or
24 such, because, thank God, I still feel good and I feel
25 well. But I think that Mr. Westerhold, he is not here

1 anymore, but he clarified a lot of my thoughts, to the
2 fact that we are not sick now but we don't know about the
3 future.

4 Let's see. I'm also involved in the beryllium
5 program. I understand that if I am checked with -- to the
6 sensitivity of beryllium, I jeopardize -- probably I could
7 jeopardize buying health insurance, life insurances, et
8 cetera.

9 I'm a Yankee Doodle and I was born on the 4th of
10 July. I love my country. I realize the fact that in the
11 Army, when you're serving in the Army, there's two
12 different kinds of troopers. One kind is the recruited
13 kind. They recruit them to serve in the Army.

14 There's another kind of a trooper there. It's
15 the volunteer trooper. We workers of Los Alamos, we have
16 volunteered to work there. Nobody really drug us up
17 there. But it's amazing, I think it's amazing what a
18 father and a mother does for their families. They find
19 themselves as under other welders, they find themselves as
20 roofers working with hot tar, they find themselves working
21 with plutonium like I have for the last 26 years.

22 It's amazing what a man, a mother does for her
23 child, gives him the last piece of pie and she's hungrier
24 than the child himself.

25 MS. OPPENHEIMER: You have only about a

1 minute left so...

2 MR. BACA: Let's see.

3 MS. OPPENHEIMER: Whatever. You obviously
4 have a lot of things that are important --

5 MR. BACA: Oh, I've got a lot of --

6 MS. OPPENHEIMER: -- but you need to pick
7 best.

8 AUDIENCE MEMBERS: Yeah.

9 MR. BACA: Yes. Well, exercising the
10 freedom of speech that I have, I want to testify to
11 something that I witnessed while I was working up there at
12 Los Alamos.

13 I was working at the DP. We were taking out a
14 vacuum system, which was normally constructed with
15 stainless steel tubing. [ding] For some reason or
16 another, it was constructed with PVC piping. We took it
17 apart. We put it in a pile where it was supposed to be
18 put -- and tape the end of the piping where it was
19 supposed to be taken and into a special box and into the
20 hot dump, over to the hot dump.

21 A weekend went by. On Monday morning, on Monday
22 morning, they, the laborers were instructed, because it
23 was with PVC. Normally PVC was used for just the ionized
24 water. The laborers were instructed to get that piping,
25 take it into the hot -- or into the dumpster outside. It

1 was supposed to have been clean, not contaminated. They
2 broke the pipe with their knees, threw it into the
3 dumpster, and we ran in there and we told them, we got our
4 respirators on and we taped the pipe, the rest of the pipe
5 that was in there, we told the laborers to get out of
6 there.

7 Later on, it was said that the piping wasn't
8 contaminated and a new dumpster was installed outside, was
9 put outside where, if it wasn't hot, finally they put the
10 same dumpster back in there.

11 (Applause)

12 MS. OPPENHEIMER: Thank you very much. Next
13 time, we'll time for a song.

14 (Laughter)

15 MR. BACA: Thank you.

16 MS. OPPENHEIMER: Frances Maldonado.

17 Is Norman Wilson here?

18 AUDIENCE MEMBER: He just left.

19 MS. OPPENHEIMER: Okay. Paul Guthals.

20 MR. GUTHALS: Guthals. I'm here.

21 MS. OPPENHEIMER: Okay. Great.

22 MS. FRANCES MALDONADO: Good afternoon. My
23 main objective here today is to -- My name is Frances
24 Maldonado and my baby before birth, BBB, I'm currently 34
25 weeks into my pregnancy, and I was diagnosed with Stage

1 II-B, large cell, non-Hodgkin's lymphoma. I had my first
2 chemotherapy treatment December 29th, 1998.

3 My main objective here today is to commend,
4 congratulate and show my appreciation and thank you for
5 addressing the [emotional] cancer-causing effects at Los
6 Alamos Laboratories.

7 I am not an employee of Los Alamos Laboratories
8 but I had a spill at a private company with a solution
9 that I used nightly. In mid-August -- Excuse me.

10 MS. OPPENHEIMER: We need to be equipped
11 with --

12 MR. ARTURO SANDOVAL: (Provides kleenex)

13 MS. OPPENHEIMER: I think you have a
14 hankerchief. Thank you.

15 MS. MALDONADO: Forgive me for being so
16 emotional but I'm --

17 MS. OPPENHEIMER: That's fine. Take your
18 time.

19 MS. MALDONADO: Last year in mid-August, I
20 had a spill at work and this is what I believe triggered
21 the growth, a mass, the tumor that I have, it's rooting
22 into my right lung, it's covering my aorta, my pulmonary
23 gland and vessels of my heart. I'll make this brief,

24 In the past, I have received an Honorable Mention
25 from Senator Bingaman's office for a Use Productivity

1 Award and I was responsible for the Biscochito becoming
2 New Mexico's official state cookie.

3 And two years ago, I read an article in the
4 newspaper about how Intel was providing job opportunities
5 for people who would take a two-year program to study
6 manufacturing technology in the semiconductor industry and
7 I decided I had enough free time to pursue this program
8 and still could do the cookies and I was applying for
9 co-op positions and, at the time, I didn't have any
10 background in the industry so I took on this other job
11 plus being a full-time student and that's when I was
12 exposed to the spill and, now, I have cancer.

13 Not only am I living through cancer right now and
14 being treated, they're going to deliver my baby next
15 Saturday because they can't assure me, because they cannot
16 assure me that my child is (emotional) -- It's not growing
17 to the degree that they would like to see it grow.

18 So, next Saturday, I'll have the baby and I pray
19 that the child is healthy, as well as -- Please forgive
20 me -- as well as being able to go back to work and be able
21 to provide a living for my child and myself.

22 We'll see. I'll be a single mother and I no
23 longer can work. I just felt that this was important
24 enough for me to come today.

25 I basically have only been going to doctors

1 appointments and I'm not doing anything other than that
2 because I never know when I'll have a good day and so I
3 just pray that I'm able to deliver this baby and get
4 through my treatment because the complication is how to
5 treat me, due to the pregnancy.

6 And my last chemo was March 6th and they gave me
7 50 percent because I was -- I wanted to refuse treatment
8 because of the development of my baby, but that wouldn't
9 be good for both of us. So, after next Saturday, I will
10 be treated at 100 percent and plus with radiation.

11 So I just really want to thank you for addressing
12 these issues and taking the steps to find a solution to
13 eliminate anyone else being exposed to those chemicals
14 that will cause them their life, so, thank you.

15 (Applause)

16 MS. OPPENHEIMER: Thank you very much,
17 Frances. We wish you all the best. Okay. Mr. Guthals?
18 I think that's right. Oh, wait. I'm sorry. Well, you
19 were first. Come on up.

20 MR. MEL CHANEY: Mel Chaney.

21 MS. OPPENHEIMER: Yeah. You're there, too.

22 MR. GUTHALS: Okay. I'll sit here.

23 MS. OPPENHEIMER: Yeah, just get up and use
24 the next seat. That's good enough.

25 Okay. And be sure you give your name to the

1 Court Reporter. Thank you.

2 MR. MEL CHANEY: Thank you for giving us the
3 opportunity to speak here. I'm Mel Chaney and we came to
4 Los Alamos in 1957 and were delighted to be given a house
5 by the lab, to live on the edge of a lovely canyon, and
6 our children played in the canyon and with our consent and
7 that was just fine. Ultimately, the canyon was called
8 Acid Canyon and much money has been spent cleaning up Acid
9 Canyon where our children played.

10 Our older son fortunately got a job, a summer job
11 with the lab after graduation and it's kind of interesting
12 that Mr. Smith talked about mercury stills. One of
13 David's jobs was to operate a mercury still, to clean up
14 lab -- contaminated lab mercury and he did this, I
15 believe, for two summers in 1966-1967.

16 David died of colon cancer at the age of 41 in
17 1988. His wife died several years later. And so there's
18 an orphan girl, 13 years old, at that time, who needs
19 support and help.

20 I have most -- the thrust of this now seems to be
21 what to do for people who are currently ailing and having
22 problems, but from the testimony we've heard, there are a
23 number of people who have lost parents or, in our case,
24 children. And I'm mainly concerned about our surviving
25 grandchild and I would hope that the study could be

1 expanded to consider those kinds of problems and the
2 people who have had those kinds of experiences.

3 One thought that occurred to me was that the
4 Public Employees Retirement System of the State of
5 California offers a long-term care program. If you go to
6 that long-term care program and say I want to enlist in
7 it, I want to enroll in it, and you turn in your medical
8 reports and they find, well, you have berylliosis or this
9 or that, you're excluded. You're not included in that
10 program.

11 And it seems to me that there may be could be
12 some legislation that if an ailment could be tied to
13 employment, that somehow or other the government could
14 support enrollment into a long-term care program for
15 people who find themselves in this situation and that's
16 why. Thank you very much for listening.

17 (Applause)

18 MS. OPPENHEIMER: Thank you very much.
19 Okay. How do you pronounce your name? Guthals? Guthals?

20 MR. PAUL GUTHALS: You've got it.

21 MS. OPPENHEIMER: Guthals.

22 MR. GUTHALS: It used to be G-O-E and it's
23 now G-U. But any German knows it's all the same.

24 MS. OPPENHEIMER: Okay. Wait. You have to
25 wait one minute. I need to get the next person up.

1 MR. GUTHALS: Okay.

2 MS. OPPENHEIMER: Cordelia Roybal. Okay.
3 How about Ernest Garcia, Ernest J. Garcia? Is that
4 Cordelia? No. Okay.

5 AUDIENCE MEMBERS: Yeah, she's coming.

6 MS. OPPENHEIMER: Oh, it is. Okay. How
7 about Ernest Garcia? Okay. Go ahead, Mr. Guthals.

8 MR. PAUL GUTHALS: Thank you. Norm Wilson
9 just left and he's a former associate of mine and I'll
10 take his time, too. No, I won't because I don't know what
11 he's going to tell you.

12 I'm mostly a New Mexican. I've been in New
13 Mexico since I was three years old. I've been in Los
14 Alamos for 42-plus years and I went to Los Alamos --

15 Before I say that, I thank God that we're all
16 here today and that Los Alamos has historically been able
17 to do what they have. They saved us from being
18 annihilated in probably World War II and, during the Cold
19 War, it kept somebody from annihilating us again, because
20 we were strong.

21 And I know that as people that have lived in Los
22 Alamos, including myself, that we didn't have all of the
23 answers. We still do not have all of the answers but
24 we're working on them.

25 Now, I'm a retiree for nine years. I went to Los

1 Alamos to be the project leader for sampling nuclear
2 clouds. As such, I had an Air Force group that worked for
3 me, and for that kind of radiation, we had very high
4 exposures compared to what most of us who worked at the
5 lab were allowed to do.

6 And I'm a seven-year survivor from prostate
7 cancer and I've recently had another checkup and I still
8 have less than 0.1 psa. Now, that was not found on me in
9 my normal physicals and, as a flier, I was given physicals
10 every year and some of you may remember "Big Finger Flin"
11 [exam finger] because all we had, up until a few years
12 ago, was this kind of an examination.

13 (Laughter)

14 And even when I had mind removed, while I was on the
15 operating table, they still could not find it that way.

16 So, but going back with my experience with the
17 Air Force, I probably had six or 800 people that worked
18 with me and for me during my tenure as flying and doing my
19 physicals and collecting those samples. And as far as I
20 know, there's not been a single veteran's claim from any
21 of those Air Force people.

22 Now, if they are, there is a system, as probably
23 you're aware, that the VA will investigate and if there's
24 a legitimate connection between normality and their
25 exposure, they can be taken care of.

1 And I guess that maybe in our system something
2 like that might have been in order or might be in order
3 now and, like I say, I'm here because the grace of God on
4 my own experiences. And excuse me. I get emotional, too.

5 MS. OPPENHEIMER: This is indeed an
6 emotional type of hearing.

7 MR. GUTHALS: Yes. And I'm currently
8 working with the people from Johns Hopkins and I think
9 that's a good start on us calling the veterans that worked
10 in the nuclear industry and if there are any of you here
11 that have not heard about it, I suggest that you look into
12 it and that if there's something that they can do to help
13 you, I'm sure they will. We're going to get new physicals
14 and bring us up to date on whatever our situation is.

15 And you can ask me questions if there's any time
16 left.

17 MS. OPPENHEIMER: I think we're not going to
18 but I appreciate very much for the time that you spoke.

19 MR. GUTHALS: Okay.

20 MS. OPPENHEIMER: Thank you very much.

21 MR. GUTHALS: Thank you.

22 (Applause)

23 MS. OPPENHEIMER: Okay. Next. Cordelia
24 Roybal. Come on up, Cordelia. And Ben Ortiz, then you're
25 next. And then just to get one more person up here,

1 Antonio Guillen. Okay.

2 MS. CORDELIA ROYBAL: I'll try and make this
3 brief. My name is Cordelia Roybal and I was employed at
4 Los Alamos for the, for 19 years. I worked in the Photo
5 Section, CIT 9, for approximately 16 years, working in a
6 dark room environment.

7 I was exposed to film developing solutions and I
8 had two exposures. One in 1988. I was exposed to the
9 film developing solution which made me very ill. I
10 worked -- While I worked in my dark room, I suddenly felt
11 ill. I started gagging and choking. My nose running.
12 Tearing. Gagging. And I got a severe headache.

13 I then reported to my supervisor when I left the
14 dark room and I was sent to H2, HSE2, and I was checked
15 and sent home.

16 I was sent home with restrictions, not to get
17 exposed to chlorinated hydrocarbons or solvents. My
18 diagnosis was to rule out chemical hepatitis. Whatever
19 that means.

20 I asked HSE2 to, and supervisors, to have the
21 work site evaluated for safety and I was told it was gonna
22 happen, it was gonna be done.

23 Again, in 1990, I was working in my dark room and
24 I got very ill. I again started choking and gagging. My
25 nose running. Tearing. And I felt very ill, dizzy. And

1 I again was sent to H2 where I reported and was checked.

2 I was told by my supervisor that the chemicals
3 were incorrectly mixed. Instead of the five-ounce
4 stabilizer that they were supposed to put in the tank,
5 they put a five-gallon 'cubitainer' which really made me
6 ill and it made other employees ill but they refused to
7 come forward. Anyway, I was told that an inexperienced
8 technician had mixed the chemicals.

9 Several times after that, I had to stop work
10 because the ventilation problems, people were getting ill,
11 terrible headaches and coughing and gagging and making it
12 difficult to breathe.

13 I was then labeled a troublemaker because of my
14 stop workage but I was the only one that came forward.
15 All I wanted was to have the ventilation problem solved,
16 which I don't know if they ever were.

17 But in 1994, a survey was conducted in my area
18 and I was told everything was all right, four years later
19 anyway.

20 Eventually, I started having my own health
21 problems and I used to donate blood with that Blood Drive
22 that they had every year and, all of a sudden, I could no
23 longer donate. I was told that I might be anemic and to
24 check with my own private doctor for my personal illness.

25 I had been seen by HSE2 doctors for physicals

1 every year, yearly. Physicals. And I was told that my
2 liver function studies were abnormal on my Phase I
3 chemistry profile.

4 I was under evaluation with Dr. Roberson in Santa
5 Fe who had performed a liver biopsy on me and I was
6 informed that I had cirrhosis, primary biliary cirrhosis,
7 Phase II, on my biliary ducts.

8 I was told by HSE doctors, because I was
9 evaluated during the time that I worked, I had had a
10 physical, and I was told that my liver problem was caused
11 by my drinking problem, that I was heavy, because I had a
12 pattern for an alcoholic, because I missed Mondays and
13 Fridays. That's just what I was told.

14 (Laughter)

15 If there is a test which can determine what
16 caused my problem, I am willing to take it. I do not have
17 a family history of liver problems. I am not a drinker of
18 alcohol. And this is what I was told.

19 In August of '95, I was feeling very ill. I was
20 feeling weak and dizzy and nauseated [ding], depressed and
21 a lot of pain. I was having a lot of stress at work and I
22 was having trouble concentrating, doing my job.

23 The doctor then decided to put me on medical
24 leave to see if I would feel better. I was put in a
25 three-month medical leave and I was to return to work when

1 I felt better.

2 I spoke to my group leader and I was told that I
3 would be on medical leave for a short term and I would
4 have my job when I felt better and could return to work.

5 One month later, I was rified.

6 I believe that my exposure to the photo chemistry
7 made me ill. See, I still suffer from upper respiratory
8 problems, severe headaches, running nose, coughing and
9 sore throat, et cetera.

10 I am now waiting to be put on a list for a liver
11 transplant. I am now on medical retirement at the age of
12 50.

13 Thanks for listening to my testimony and God
14 bless you and I hope that this helps all the people that
15 are ill. Thank you.

16 (Applause)

17 MS. OPPENHEIMER: Thank you. Appreciate It.
18 Next, Ben Ortiz and then we have Tony Guillen and then
19 Frutoso Martinez, Sr. Are you there? Are you here?
20 Okay. Then the next, Tobias Lujan. All right. Lloyd
21 Gibson. Okay. All right, so you're third up. Okay. I'm
22 trying out -- I figured out how to do this timer now and I
23 hate to interrupt in the middle but you all that are
24 speaking, you hear the bell ring, so if you hear it, I'm
25 not going to say "Stop" but I'm going to urge you to

1 really finish up and I will, a few minutes later, tell you
2 you have to stop, so I don't want to do that in the middle
3 of these stories. I really want to hear, we all want to
4 hear everything, but please understand there's still a lot
5 of people. Okay.

6 MR. BEN F. ORTIZ: All right. Debbie, Carol
7 and the two gentlemen I don't know, okay? I'm a little
8 disappointed now, you know, because my thing was supposed
9 to be this morning, I understand. But it started with
10 "Good morning" but I don't know what time it is now, okay?

11 Anyway, my name is Ben Ortiz. I worked at T-52,
12 known as the Meson Facility. I would like to thank
13 Congressman Tom Udall, who's not here today, Senator Jeff
14 Bingaman, David Michaels and Jeff Eagan, Department of
15 Energy. I would've liked to address my problems to them.
16 They're not here, okay?

17 This week, Director John Browne sent an e-mail to
18 laboratory employees regarding today's public meeting. I
19 would like to share an excerpt from that memo. Director
20 Browne states that, quote:

21 "Since its inception, Los Alamos National
22 Laboratory has been fully committed to
23 ensuring the health and safety of our work
24 force." Unquote.

25 I don't agree with Director Browne's statement.

1 Had that been a correct statement, there would be no need
2 for today's public meeting.

3 During my employment at LANL, I became seriously
4 ill, as stated by LANL, during my medical termination
5 process. I filed a Workers' Compensation claim for the
6 occupational illness that damaged my health while employed
7 at the lab.

8 I have medical documentation from doctors whose
9 practice and expertise are in toxicology and in
10 occupational exposures. In my case, it was long-term
11 exposure: 19 years. These doctors have confirmed that
12 the hazardous agents I handled at LANL poisoned my system.
13 The primary affects are respiratory and neurological.

14 This is a reality which LANL has not
15 acknowledged. Yet, after I became very ill and was
16 replaced by other employees, placed on medical leave,
17 other employees, it has been told to me that they were not
18 allowed to use the solvents. They were told to use soap
19 and water instead.

20 During the medical termination process, four lab
21 employees contacted me, inquiring about my symptoms and
22 relating to me that they had similar health problems.

23 Early on, during the Workers' Compensation
24 process, I was required to go through a mediation hearing.
25 I presented documentation to the mediator. His ruling was

1 in my favor.

2 LANL's attorney seriously pleaded with the
3 mediator to disallow this claim because, as stated by
4 LANL's attorney, "this would open a can of worms." But
5 the mediator went ahead and allowed my claim.

6 During the Workers' Compensation claim process,
7 because the attorney lied, mishandled and was obviously
8 negligent, the claim did not make it before a Workers'
9 Compensation Judge.

10 There were other issues involved regarding this
11 attorney and the State of New Mexico but time does not
12 allow me to go into that.

13 Another attorney tried to reopen the claim. This
14 required a mediation hearing. During this hearing, with
15 the evidence presented, the mediator felt that LANL should
16 make a settlement.

17 A short time went by and we learned that our
18 efforts were denied by the New Mexico Supreme Court. LANL
19 and the insurance company pretty much were able to wipe
20 their hands clean.

21 People still ask me if the lab ever compensated
22 me for the illness. The answer is "No."

23 Today, things are different at LANL. I have been
24 told that employees are informed about the toxic hazards,
25 can refuse to use them; toxic agents are situated in

1 designated areas, along with other safety precautions.

2 In 1969, when I first began work at the Meson
3 Facility, I did not have this advantage. Employee safety
4 was not in practice.

5 In the 19 years that I worked at the lab, not
6 once do I recall safety meetings on the hazards of
7 chemicals. Toxic solvents were not contained and they
8 were used without any restraint.

9 Ventilation and exhaust systems were either poor
10 or nonexistent and I was never required the use of
11 protective equipment or clothing. The result was a
12 job-incurred disability.

13 This came about not only because of the solvents,
14 also welding fumes, oil vapors that produce carbon
15 monoxide, other hydrocarbon emissions and many other toxic
16 agents along with many other radiation exposures. [ding]

17 We're aware now that the government has known for
18 years about the adverse effects of exposures. Yet, LANL
19 has denied accountability and is pretty much in the
20 position of "sovereign immunity", leaving no compensation
21 to the injured party.

22 After my experience, I'm well aware that one
23 cannot fight the system. The system needs to fight for
24 us.

25 Myself and many others in attendance here today

1 are pleading with our public officials for legislation to
2 compensate us for the illnesses inflicted upon us through
3 the negligence of the Department of Energy, regardless of
4 what the toxic exposures may be.

5 MS. OPPENHEIMER: I'm going to ask you to
6 just -- The bell did ring, but could you say your most
7 important points and --

8 MR. ORTIZ: Well, that's what I thought was
9 going to happen to me.

10 During my last few months at LANL, I became
11 pretty sick and was not functioning normally. I didn't
12 know at the time that, actually, I was experiencing
13 industrial intoxication from the overexposures, which was
14 pointed out to me later on through doctors in occupational
15 medicine.

16 It took several months for nonexposure for my
17 system to slowly begin to recover somewhat from the over-
18 exposures.

19 This has been the prognosis by one of the
20 toxicologists, but I have been left with the occupational
21 illness disability.

22 During the time that I was still employed at
23 LANL, the doctors at HSE2 did not address my problem. If
24 they had, preventive steps could have been taken. I feel
25 that it is important that LANL employ qualified and

1 unbiased doctors who are trained in toxic exposures and in
2 occupational medicine and who can properly address
3 employee health concerns on exposures.

4 Chemical solvents damage the nervous system,
5 especially so with long-term use. In my case, I was never
6 referred to occupational doctors by HSE2 or by private
7 doctors in the area.

8 Most private doctors at that time were not aware
9 of job hazards in exposures. This is something I'm aware
10 of because I went to several private doctors who were not
11 able to diagnose the problem. I was also invited by UNM
12 School of Medicine to address my exposures to medical
13 students.

14 In closing, I am asking Dr. Michaels, who is not
15 here now, if he would address this:

16 "With the lab being in prime position for
17 exposures, why do lab doctors mislead instead of address
18 the exposures, as in my case?"

19 Thank you.

20 (Applause)

21 MS. OPPENHEIMER: I think this is a good
22 time, while the next speaker is coming up, to remind
23 everybody here that -- I am not with DOE, but some of you
24 may think that I am, and I've been involved with trying to
25 help organize the event, to make sure people could come

1 and speak and I don't think any of you organizers ever
2 imagined we'd have so many people and that's a tribute to
3 the way we all feel about our community. If you have to
4 leave, I would urge you, if you can possibly state it
5 today, there is a toll-free number that I will -- I guess
6 it's been mentioned earlier but I will repeat it -- that
7 you can call, 1) to convey your concern if you don't get a
8 chance to speak today. It's 1-877, that's an 800 number,
9 but it's 877-447-9756.

10 So please stay if you possibly can. But if you
11 cannot stay, that's the number.

12 And, also, you certainly can submit written
13 testimony. Does everyone know right here today? If you
14 have a written statement that you would want to leave, you
15 certainly can bring this here and submit it to the Court
16 Reporter and it will be included within the official
17 record.

18 And I understand that this will be on the Web and
19 that this will be available to the public. And if you
20 forget everything I said, then you should call Senator
21 Bingaman's office for information about this or
22 Congressman Udall's office and they'll remind you of the
23 telephone numbers.

24 MS. KATE KIMPAN: There are fliers outside
25 on the table.

1 MS. OPPENHEIMER: Okay. There also are
2 fliers out on the table, lots of fliers, and if we don't
3 have them, you know, please, we'll get more out there.

4 How many more people here do want to speak before
5 the end of the day?

6 (Show of hands)

7 MS. OPPENHEIMER: Oh. All right. Well,
8 start moving on up then, folks. We may not go through the
9 time of listing. Let's just get everybody moved up.

10 What I'm seeing is about 10 more people and
11 that's fine. Okay. Who was the next person to speak?
12 Tony Guillen.

13 MR. LLOYD H. GIBSON: Okay, I'm Lloyd
14 Gibson, but --

15 MS. OPPENHEIMER: All right. Come on up.
16 This is Lloyd Gibson. Is Tony Guillen still here or did
17 he leave in the middle of my long -- Okay. All right. Go
18 ahead, Lloyd, and pull your chair up, then we don't have
19 to have you standing.

20 MR. LLOYD H. GIBSON: How's that? Can you
21 hear me?

22 MS. OPPENHEIMER: I can hear you.

23 MR. LLOYD H. GIBSON: All right. My name is
24 Lloyd Gibson and I came here to speak on behalf of my
25 father who died three years ago from an illness related

1 directly to Los Alamos, asbestos is what probably killed
2 him, but before he died, he had several different kinds of
3 cancers.

4 He had leukemia. He had prostate cancer. He had
5 skin cancers, you know. And the last cancer that he got
6 was terminal and they told him that all they could do was
7 treat it and that it was directly related to Los Alamos,
8 the work that he did up there. Dr. Long from Albuquerque
9 had said that.

10 And basically what I would like to say is that my
11 father's not with me anymore, you know. I know the way he
12 died, you know. I know that he died an agonizing death,
13 you know, from pain directly caused from the cancer that
14 he got from Los Alamos.

15 Now, my son's without a grandfather, you know.
16 In the last days of my father's life, he was too weak to
17 even hold my son, six months old.

18 So there is some loss, you know. There's some
19 suffering in my family directly related to Los Alamos and
20 what Mr. Chaney had said, that his children played in Los
21 Alamos canyons and Acid Canyon, you know? I was one of
22 those kids. I didn't have the permission of my parents to
23 go down there, but I certainly -- Everybody that lived up
24 there, all the children that were raised there, that was
25 our playground.

1 And I can attest to this, that when I was a
2 young, a very young person, I could to go Los Alamos
3 canyon, almost any canyon in Los Alamos and catch
4 salamanders or whatever down there in that canyon.

5 I went back in the late '70s and you can't find
6 any salamanders. You can't hardly find anything in that
7 canyon anymore.

8 So, you know, I think I'm more or less a casualty
9 of Los Alamos. Not necessarily Los Alamos, but the
10 government procedures at Los Alamos and that was, you
11 know, when my father was working up there; he was working
12 with highly radioactive material and he was working with
13 asbestos. Various carcinogens, I imagine, for cancer.

14 And, you know, he gave readily. He was a good
15 man. He respected his government. He was a veteran. I'm
16 a veteran. So we've done our time for the government, I
17 think, and I think the government was a little deceitful
18 of the way they ran the place, on how they told people
19 about safety hazards and what wasn't, what was safe and
20 what wasn't safe.

21 I know my father had an accident. He worked at
22 DP and that was the original plutonium factory, as they
23 call it. But, you know, like in '58 or '60, somewhere in
24 there, they did have an accident out there; two men died
25 within several days, you know, three to four days of that.

1 And he was exposed to that. I mean they have
2 these radiation badges and his badge, everybody's badge
3 turned colors out there, you know.

4 And, so, what they did is, they got overtime to
5 redo the system that killed these two people, you know,
6 and to redo it, the system, and I don't know if they, you
7 know, if they really put in the safety procedures for
8 that.

9 But, you know, I was here to testify for my
10 father because he wouldn't have done it himself, I don't
11 think, because he was that type of person, that duty calls
12 and that he was a diligent person and he thought he was
13 doing something for his country, you know.

14 And so that's what I would like to testify here.
15 And I also would like to say that he did have a lifetime
16 dose of radiation and I don't know how they, they, you
17 know, what they consider a lifetime dose was, or how they
18 equate to when they pull you out of the hot shop and put
19 you into a cold shop, but he was pulled out of the hot
20 shop and then, the rest of his time in Los Alamos until he
21 retired, he worked in the cold shop.

22 And, so, I think his death is directly related to
23 Los Alamos, and I think my family suffered because of it,
24 and that's what I'd like to say.

25 MS. OPPENHEIMER: Thank you very much.

1 (Applause)

2 MS. OPPENHEIMER: Okay. This is the group
3 over here that wants to speak. Oh, you want to speak
4 also?

5 AUDIENCE MEMBER: Yes.

6 MR. OPPENHEIMER: Okay. Come on up. Tell
7 us your name. Give it to the Court Reporter. Thank you.
8 What is your name?

9 MR. VICTOR D. LOVATO: Okay. My name is
10 Victor Lovato. I'm the Vice President of the Metal Trades
11 Council out at Sandia National Laboratories and I am a
12 cancer survivor.

13 I wanted to sit here and talk in front of you,
14 give you a little bit of history. At Sandia, we have a
15 council of 11 different unions and that's what I am part
16 of.

17 We cover approximately 500 workers and we do all
18 kinds of work from facilities maintenance, production and
19 development of Sandia National Laboratory's products,
20 transportation, safeguards, storage and in support of the
21 cradle-to-grave responsibilities for the nuclear
22 stockpile.

23 Some of the concerns of our membership is that
24 they have incurred illnesses and injuries over the course
25 of their employment and these illnesses and injuries range

1 from radiological/chemical exposures, heavy metal and
2 hazardous waste exposures.

3 There have been several instances of stress-
4 related manifestations, ergonomic injuries and unsafe
5 working conditions. We have a lot of problems in those
6 areas.

7 We have some attention areas. There have been a
8 lot of cancer, lung cancer, esophageal, thyroid, leukemia,
9 colon cancer and myesothelioma.

10 There's been a lot of respiratory problems
11 including asbestosis, phosgene poisoning.

12 There been a lot of neuropsychological
13 impairments and effects on reproductive systems for some
14 of the female workers out there.

15 Today, I sit here with my son behind me and I
16 pray to God that something that I've been exposed to in
17 the course of my employment is not passed along to him or
18 my other children or my wife at home.

19 I want to thank everybody with the Congressman
20 and Senator for sending their staff, and Dr. Michaels for
21 having someone here.

22 There's some recommendations that I would like to
23 make. Some of the things that we would like to see at
24 Sandia, as well as at other DOE sites across the country,
25 is:

1 The institution of honest and accurate monitoring
2 at all locations where there are hazardous chemicals used,
3 hazardous waste that's generated, and radiological hazards
4 exist.

5 I realize that these recommendations are
6 expensive but at the cost of lives, nothing's too
7 expensive.

8 I would like to see:

9 Compensation for loss of function due to all
10 work-related illness and injuries. I would like to see
11 this done in a retroactive basis, to eliminate the statute
12 of limitations for people that have been injured or have
13 their health diminished because of work-related illnesses
14 in the past. I'd like to see it done for current
15 employees and for all future employees and our future
16 children.

17 I would also like to invite -- I had hoped that
18 the Congressman and Senator had stayed so that I could
19 invite them; I would like to have a Town Hall Meeting like
20 this at Sandia. I'm the only one that I'm aware of that's
21 up here from there and I was concerned enough about this
22 because I am a cancer survivor and I'm not sure that the
23 work that I do isn't what caused that cancer.

24 So that's why I am up here.

25 I would also like to see that, in the future,

1 rather than spend a whole bunch of money fighting people
2 that have health and workplace issues, that we use this
3 money to help these people out instead of fighting them.

4 Thank you.

5 MS. OPPENHEIMER: Thank you very much

6 (Applause)

7 MS. OPPENHEIMER: On your suggestion, I
8 think that I notice that Bob Simon for Senator Bingaman
9 and Michele for Congressman Udall took note of that and
10 will convey that back.

11 MR. LOVATO: And I'd like to give you these
12 copies right here.

13 MS. OPPENHEIMER: Right. Okay, that's
14 great. Thank you very much. Ma'am, come on up. Tell us
15 your name.

16 MS. RUTH I. BARNES O'BRIEN: Ruth
17 Barnes-O'Brien and this is in regards to my deceased
18 husband, Robert H. Barnes, who worked at Los Alamos
19 Laboratory for approximately 25 years as a machinist and a
20 machine shop supervisor.

21 He passed away in 1987 from cancer at the age of
22 57. He had upper right lung cancer, and I'll be brief.
23 His last job was in the main shop, machine shop, working
24 on a special job project with plutonium.

25 He worked in an area that was blocked off in the

1 shop and was supposedly monitored often. He worked with
2 many of the chemicals and substances mentioned in your
3 report; uranium, plutonium and other substances.

4 Mr. Barnes made many trips to the test site in
5 Nevada. He also worked on the Syllac and the Torus
6 Projects. He worked in almost all of the sites in Los
7 Alamos, so he worked different sites, test sites.

8 The family feels he was exposed to radiation or
9 toxic chemicals. I had requested information in 1994 on
10 any exposures but was told they have no records of them
11 working on this project.

12 He was supposed to be monitored often, but they,
13 the laboratory, has no record of any urine specimens taken
14 during the time he was on these jobs.

15 We know he wore badges to monitor for radiation.
16 He had to change his clothes before coming home or leaving
17 the site.

18 In 1984, a node was found in his stomach during
19 an annual physical laboratory examination. We did not
20 receive the information until after Mr. Barnes was
21 deceased, when we received his medical records.

22 He complained, one year before his surgery, that
23 he had pain in his stomach but the tumor was never located
24 until June, 1986, after the lung surgery in May.

25 On his physical, the date is 1/12/82, it said he

1 was routinely exposed to cleaning fluids or solvents,
2 metal fumes, such as lead and et cetera.

3 And it went into detail even on his -- some of
4 the supervisors, and it only listed barely a few of them
5 on the list that we got back; and we feel that the
6 precautions and the work environment were neglected by his
7 superiors.

8 I and the family are at the point of exhuming the
9 body to find out if plutonium does exist in his body. We
10 were told that that if you have plutonium, it never leaves
11 your body. It's there forever. And, so, this is one
12 thing that we have considered.

13 One of his fellow co-workers also had cancer. I
14 don't know whether he's still living or not. Some of the
15 fellows that was mentioned today that had cancer, were
16 also co-workers of his through the machine shops.

17 Thank you.

18 MS. OPPENHEIMER: Thank you very much.

19 (Applause)

20 MS. OPPENHEIMER: Would you be willing -- If
21 you're comfortable, you could -- Is that statement, are
22 you willing to give that to the Court Reporter?

23 MS. O'BRIEN: Yes, I am.

24 MS. OPPENHEIMER: Okay. Thank you
25 Are you Ms. Barnes-O'Brien?

1 MS. O'BRIEN: Yes.

2 [NOTE: 2-paged written material attached]

3 MS. OPPENHEIMER: Okay. Are there any
4 others? I see the group is beginning to -- All right.
5 Anybody else that wants to speak? Go ahead. Come on over
6 here. I'm going to the workers first, okay? Are you a
7 worker? Have you worked there?

8 MR. RICHARD RAMSEY: (Nods head)

9 MS. OPPENHEIMER: Okay. Very good.

10 MR. RICHARD RAMSEY: My name is or was known
11 as -- my first name was Trouble and my second name was
12 Maker, so...

13 MS. OPPENHEIMER: Well, Mr. Troublemaker,
14 move the mike a little closer to you because we want to
15 hear what you have to say.

16 MR. RICHARD RAMSEY: Yes. I worked here in
17 Los Alamos, '83 to '94. I worked all the--

18 MS. OPPENHEIMER: What is your real name?

19 MR. RICHARD RAMSEY: Richard Ramsey. I'm
20 sorry.

21 MS. OPPENHEIMER: Okay.

22 MR. RICHARD RAMSEY: I worked at all over
23 the areas and I was a heavy equipment operator and I
24 worked down at TA-54 which is the hot dump, but they call
25 that the hot dump, but, to me, all of Los Alamos was a hot

1 dump because they didn't know where they dumped all this,
2 solvents and cuttings and mercuries and everything else,
3 PCVs. They didn't know.

4 So what I'm saying is that people that have been
5 exposed, - operators, laborers, whatever - digging out in
6 areas may not have even known they've been exposed.

7 And all I'm asking is, you know, from physicists
8 to laborers, we're all equal, and I think that that has to
9 be understood; I mean, whether we can speak good English
10 or we can't speak good English, you know. They have to be
11 listened to.

12 TA-54. I was an operator down there. I got run
13 off because I tried to get DOE to investigate down there
14 and they did come down and some changes were made, and I
15 was one of those changes: as soon as it happened, I was
16 out.

17 (Laughter)

18 And it's not just me. I think Jonathan Garcia
19 was one. Doug Barnes was another one. Several of them
20 that were down there.

21 And your hair would stand on your head if you
22 knew what was dumped in there, so we were exposed, and
23 then when I started there, we weren't required to wear any
24 kind of face mask or they wouldn't water the pits down,
25 so, I mean when we were digging those pits, or in them,

1 and the equipment was running, you couldn't even see
2 yourself.

3 So, you know, I feel that everybody's been
4 exposed to PCVs, asbestos, beryllium, benzene, lead,
5 mercuries, everything that's been dumped in there.

6 And the reason I said my name was Troublemaker is
7 that that's what I done up here; I caused problems.

8 I called DOE one time, and I mean I fought for
9 DO-- I knew there was accidents gonna happen. A person
10 was gonna get killed on a forklift. Well, this person, I
11 knew he wasn't a registered operator and I called DOE and
12 told them what was gonna happen and nobody listened.
13 Nobody listened.

14 Well, lo and behold, when they did get the
15 letter, it was two days afterwards, the guy flipped the
16 forklift, almost killed himself.

17 So, and then down at Meson, the lab does not
18 follow the rules. They expect us to follow the rules, but
19 the lab and the subcontractors, they threaten you if you
20 violate safety -- I mean, if you bring up safety rules and
21 regulations, which you are required to follow, then you
22 are made to feel like dirt and you're under threats and
23 duress to not turn in these violations. They say, okay,
24 folks, we'll just sub it out. I think you heard that
25 today.

1 And that's not just a hearsay. That's a fact.

2 I was struck by lightning in '94 after being
3 exposed to all of this stuff, I still was struck by
4 lightning in '94 and [ding] --

5 (Laughter)

6 And Workers' Comp and Johnson Control and, now,
7 four years later are trying to bust me and break me and
8 prove that I'm a thief and a liar and I think that's what
9 everybody here feels, that that's what they make you feel
10 like, like you're a thief and a liar.

11 And something needs to be done. I mean I spent
12 \$7,000 this year of my own money to fight Workers' Comp
13 and Johnson Control, and that isn't the end of it, you
14 know.

15 I don't know whether some of this, that I'm
16 experiencing, pains, is attributed to the lightning or to
17 what I've been exposed to.

18 They say, "No. Absolutely no way. You weren't
19 even struck by lightning." Three or four years later,
20 they're bringing all of this up, see? And that's it.

21 MS. OPPENHEIMER: Thank you very much.

22 MR. RAMSEY: Thank you.

23 (Applause)

24 UNIDENTIFIED GENTLEMAN: May I have a word?
25 Just a word.

1 MS. OPPENHEIMER: No, no. If you're going
2 to speak, we'd love to have you speak.

3 UNIDENTIFIED GENTLEMAN: Well, I already
4 did.

5 MS. OPPENHEIMER: Oh, you already spoke.

6 UNIDENTIFIED GENTLEMAN: But I wanted to
7 confirm his story.

8 MS. OPPENHEIMER: I think you just did.

9 (Laughter)

10 MS. OPPENHEIMER: Thank you very much.
11 Okay. The next person, other workers or family members?
12 Okay. Jerry, come on.

13 UNIDENTIFIED GENTLEMEN: I'm a retiree.

14 UNIDENTIFIED GENTLEMAN: So am I.

15 MS. OPPENHEIMER: All right. We'll do the
16 workers. We'll get everyone in.

17 MR. JERRY LEE LEYBA: For the record, my
18 name is Jerry Leyba. I was a former RCT, a radiological
19 control technician.

20 I started with the lab in 1983. I worked also in
21 'cardio label outlet,' at that time, I was photographing
22 the solutions, also at TA-55 as an RCT, the radio-isotopes
23 that we were exposed to, which were Plutonium 238, 239,
24 Americium 241, Yttrium, depleted uranium, Cobalt 60,
25 Cesium 137 and I'm also working at CMR, which my neighbor,

1 Mariano Vigil, had passed away.

2 I feel also some of the security guards that I
3 want to know -- I know, should I say, passed away; Johnny
4 Lopez who worked at TA-18, colon cancer; Sean Karn,
5 TA-18/TA-55, stomach cancer; Donald Cruz, TA-18, stomach
6 cancer; Francis Longly, TA-21; Frank Koketaggerman, TA-21;
7 John Hancock, TA-18; William Sol, TA-21/TA-55; Clifford
8 Gladwell.

9 As I said, my neighbor, Mariano Vigil; Alex Vigil
10 who worked at TA-55. Custodian, Sonida Duran, SM-39/Hot
11 Area 102; Gloria Maestas and also Gene Bresinio.

12 I think what I really want to address also is the
13 leadership. Somebody has to be accountable for the
14 leadership at the lab, whether it be the past director,
15 the present directors or the future directors; the
16 Department of Energy, the University of California, these
17 leaders. This should've never happened and it shouldn't
18 happen.

19 And it makes me angry that we fought the
20 laboratory for a rif back in '95 that Carol is aware of,
21 and we lost that trial. But we won politically.

22 So the crying's over and now it's hard times.
23 The gloves are off.

24 Congressman Udall, Senator Jeff Bingaman, Senator
25 Pete Domenici, all our political leaders are responsible

1 as John Browne, and the only lab director, or, shall I
2 say, lab managers here is ESA's Danny Erickson.

3 If the lab really cares, where is Justice? Where
4 is fairness? Where is respect!

5 (Applause)

6 I want to continue, Carol, because there's things
7 to be said, that a lot of the technicians that work up
8 there right now, their children, their children's children
9 are gonna be exposed.

10 I have something going on with me right now that
11 I don't know what the hell it is. Why?

12 Because my doctor's a primary physician here,
13 doesn't know what it is. That's another point I want to
14 make. Doctors need to be educated. They need to know
15 about radiation. They keep just passing the buck. Enough
16 of passing the buck!

17 I'm also a member of UPTE, University of
18 Professional Technical Employees. As we have here, Libby
19 Sayre from California, the CWA, Communications Workers.
20 The State of California, Governor Davis passed a bill,
21 Senate Bill 1279, HEERA, Higher Employer/Employee
22 Relations Act, which gives us collective bargaining rights
23 to unionize at Los Alamos National Laboratory. And these
24 are issues that we're going to address; the health and
25 safety, OSHA, needs to be enforced. There are a lot of

1 issues in health and safety that need to be addressed.

2 The lab lies. The lab falsifies. There's no
3 fear of retaliation.

4 I think Mr. John Browne should've been here today
5 and other lab managers so they could hear the testimony of
6 these folks because we are dying and more people are gonna
7 die.

8 But now is the time that Congress, the United
9 States Government, has to -- the Department of Energy,
10 Secretary Bill Richardson, I applaud him for bringing this
11 attention, and Dr. Michael -- Michaels.

12 I'm really pissed off at Doctor -- I mean,
13 Senator Pete Domenici was not here today, because he is
14 called "St. Pete" for the lab. It's a political year.
15 2000. He's always accredited for the good stuff but when
16 it comes to the negative stuff and the health of the
17 people, where is he? Why is he not present here?

18 In closing, -- How many minutes do I have, Carol?

19 MS. OPPENHEIMER: It's gonna ring in second
20 [ding] here.

21 MR. LEYBA: Very good.

22 MS. OPPENHEIMER: And I didn't touch it
23 either.

24 MR. LEYBA: All right. I heard you. I
25 heard you. That's cool. Okay.

1 MS. OPPENHEIMER: I didn't turn it back. I
2 didn't turn it forward. So, final couple words.

3 MR. LEYBA: Final comment. Who is
4 accountable for what is happening at the lab? Who is
5 going to take responsibility for these people?
6 Justice has to be served for all of us.

7 Thank you and God bless.

8 (Applause)

9 MS. OPPENHEIMER: Okay. Who -- Do want to
10 speak?

11 MS. GRACE GUTIERREZ: I was an employee.
12 I'm an ex-employee of the LANL.

13 MS. OPPENHEIMER: Come on up.

14 MS. GRACE GUTIERREZ: I didn't know if I
15 wanted to come and speak or not because --

16 MS. OPPENHEIMER: Tell us your name.

17 MS. GRACE GUTIERREZ: My name is Grace
18 Gutierrez and I am a long time New Mexican for
19 generations. My grandfathers and great grandfathers were
20 from here.

21 So when I worked at the laboratory, I was very
22 concerned about the environment, about the waste material,
23 about contamination of our state.

24 We had many employees come in and out and they
25 didn't care and I saw that. I saw the management of the

1 waste.

2 One of the things that -- I wasn't going to stay
3 this long to speak because I thought, you know, it's a
4 waste of my time, but maybe not. They say the last shall
5 be first, so, you know, we are very, very small, now that
6 we're here, and I hope that this is heard somewhere.

7 But I hired with them in 1969, and being in New
8 Mexico, we don't have much of a chance for employment and
9 so I thank the laboratory for the employment that I got.

10 I went through the machinist apprenticeship
11 program and I knew most of the people here and their
12 sufferings.

13 As I worked up there, I did see some of the
14 things that they spoke of today. I knew Mr. Barnes. That
15 was the last gentleman they spoke about. And, yes, I
16 believe that the laboratory was very slow in protecting
17 their workers.

18 But even at that, I came into a trade. I was a
19 Prototype Machinist Tech, Tech II or Tech III, I'm sorry,
20 when I left and I worked with solvents and I realized that
21 those solvents, what it did was, it causes a lot of
22 depression and you don't know that when you're working
23 with them.

24 And I used my hands. There was a -- The
25 protection was not there. And so, through this suffering,

1 nobody cares, okay? Nobody listens and so I hear now and
2 I hope somebody cares.

3 I think it's evident that, you guys being here
4 today, I hope it's a beginning to know that there is more
5 to this than what you may have just seen today. I think
6 that when I first walked in at 11:30 - because I got a
7 flier invitation in the mail and it said to be here at
8 11:30 and I understand if you came earlier, then you had a
9 better chance of, you know, maybe coming up and speaking.

10 But when I hired there -- I'll go back to that
11 because it's a medical issue. When I hired, I hired in
12 '69 and left in '89. And at that point, I was depressed.
13 I worked in a contaminated area for two years, prior to
14 that, and I had two accidents and it happened from October
15 of '89 to December when I left; and when I left, it wasn't
16 in the best conditions. I was just depressed. I walked
17 out. I couldn't handle them anymore.

18 And I stepped down because of the depression. We
19 had many people. At that time, it was a change-over, many
20 people that came in from back east and from California to
21 run our shops department, because that's where I worked,
22 it was MEC Division, and they were not -- they had come
23 from productive backgrounds where they were doing
24 productive work and we were doing prototype.

25 What we did sometimes may have been a one-time

1 job and I classified myself as a very good person, I had
2 been morally in working condi-- and, and also as a worker.
3 I worked from 48 hours to 56-hour weeks. I tried not to
4 go over the 56-hour weeks because I had a family. When I
5 went to work there, I had two sons. And right now, I want
6 to let you know that I don't have either one of them.

7 In '81, I lost one. I was overly worked up there
8 and the conditions were not what it looks to be. The
9 gentleman, Jerry, who was speaking before, and I just got
10 a glimpse of that, the books are very good; equal
11 opportunity are great. You read 'em and they're great but
12 they're not applied. They're not applied.

13 Everything is underlined. And if you rock the
14 boat, you're out. You're out. So like I'm saying, maybe
15 the last is the best.

16 I hope somebody listens to this somewhere.

17 But in '81, I lost a son. I didn't stay the
18 same. And not nothing - because I worked in contaminated
19 areas on and off, being that I was an apprentice - but in
20 '85, I was pregnant with my daughter, and my daughter -- I
21 worked in the Meson Facility. And it was three months
22 after I was working there that they said, "Well, you know,
23 why are you working here? You should get out of here and
24 work in another area."

25 It was not until I threatened them, [ding] they

1 got me out of there. I'm sorry. My daughter has cerebral
2 palsy. Okay. Nobody in our family has that.

3 Another thing that I want to bring up is that the
4 medical back helping of our medical groups and stuff in
5 Los Alamos does not back us up. I am indebted. I cannot
6 to even see a psychiatrist.

7 My son died in '81 and I had another son and he
8 was not helped because he was like, like something that
9 they didn't care about. He was still my son and
10 underaged. So he died in '91, also. I lost him.

11 So I have my daughter and I'm making waves again
12 maybe. I have gotten from them, medical disability. And
13 you know what? They didn't give it to me because it was
14 due to me or because I walked off, out of the laboratory;
15 it was because my sister fought for it! They didn't care
16 if I ever came back. I was that depressed.

17 And I did work with chemicals. And those two
18 accidents that I had in October and in December of that
19 year, one of them was because of the pressure that I was
20 under in the shop that I was working and the other one was
21 because of a material that I was working on that they did
22 not know, themselves. So I worked with depleted uranium
23 those last two years.

24 I don't know if I've got cancer. It doesn't
25 really enter into my mind now. I can't even forward a

1 decent medical examination and that's why I'm glad you
2 guys are here.

3 I've heard from our President that all families
4 in America would have an examination or have some kind of
5 doctor background. My daughter, right now, I can't even
6 afford to give her her physical therapy. Her motor skills
7 are not there because we had just to stop. The help is
8 not there.

9 So if you want to call me, I don't want to take
10 anymore of your time, I know the bell rang, but what I
11 would like is for you to contact me. My name is in your
12 list and my phone number and I'll do what they do when --
13 you know, they call you in for an interview for a job?
14 Don't call me, I'll call you. That means you don't have
15 it.

16 But I'm telling you, if you can help me and
17 people like me, please call. If not, then so be it. May
18 God help us all.

19 MS. OPPENHEIMER: Thank you very much.

20 (Applause)

21 MS. OPPENHEIMER: Because you're trying to
22 speed this along, I'm not sure that you have actually
23 signed a form.

24 MS. GRACE GUTIERREZ: I did. I did.

25 MS. OPPENHEIMER: You signed up. Okay. If

1 anybody has spoken that did not sign the form, then if you
2 would see Kate, who's right there, and make sure that you
3 do that before you leave.

4 The other thing, you've raised a good point and I
5 want to just point out, if you would like to help to make
6 sure that there is a full hearing and legislation on this,
7 the person to see is just about to leave and I hope he
8 doesn't leave --

9 MR. KEN SILVER: I'm going to get the
10 clipboard.

11 MS. OPPENHEIMER: Oh. Ken Silver. We were
12 circulating a statement of people that were interested in
13 helping on this, so if you are interested or there are
14 other people here that did not see that or change their
15 mind or maybe willing to sign, based on further testimony
16 that's come, please sign and we will be in touch with you,
17 okay.

18 MS. GRACE GUTIERREZ: Okay. Thank you.

19 MS. OPPENHEIMER: Thank you very much. And
20 if there are other people, I think --

21 MS. GRACE GUTIERREZ: Thank you very much.
22 I'm sorry of taking your time so much but...

23 MS. OPPENHEIMER: That's fine. We're happy
24 that you do.

25 MR. KATE KIMPAN: There are fliers out

1 there. People can call a free line and give some stories,
2 as well.

3 MR. OPPENHEIMER: Right. If you don't want
4 to speak, again just a reminder, the fliers out there have
5 the toll-free number. It's an 877 number. But if you
6 want to sign that, the clipboard, please do that here and
7 make it legible because we will be calling you.

8 Okay. How many more people are there? Oh, boy.
9 Do you need to take a break.

10 COURT REPORTER: Yes, I do.

11 MS. OPPENHEIMER: Okay. Let's take a
12 break. Why don't you take a break. This will just be
13 logistics.

14 (4:41, recess)

15 MS. OPPENHEIMER: All right. Okay.

16 MR. DELMAR GARCIA: Okay, my name is Delmar
17 Garcia. This coming --

18 MS. OPPENHEIMER: Way-way-wait. Hold it.

19 MR. DELMAR GARCIA: -- September --

20 MR. ARTURO SANDOVAL: Wait till she gets
21 ready.

22 MS. OPPENHEIMER: Hold it. I'm going to
23 exercise the prerogative of the moderator and I will have
24 the bell ring at three minutes but if you have to speak,
25 please try to not do it more than five, okay? All right.

1 Are we ready? Thank you.

2 MR. DELMAR GARCIA: Okay. My name is Delmar
3 Garcia. I've been at the lab this coming September, 30
4 years, and I can tell, I seen it, I seen everything.

5 I first started as a messenger. From the
6 messenger, I went to the warehouse and that was a
7 nightmare. From there, I was fortunate to get into the
8 health and safety bunch, which is then near to the
9 division leader and I used to tell them stories of what's
10 going on at the warehouse and they wouldn't believe it.

11 I would tell them that they would have asbestos
12 on shelves and where people would get the asbestos off the
13 shelves, that people would get all white and the boards
14 would be all contaminated.

15 Then when the semis would come in with the stuff
16 that was dripping out of the semis, the insurance people
17 of the Navajo night shift would take it up so we can take
18 the pictures so we can get reimbursed; you had benzene,
19 zyedene, chloroform, all the carcinogen chemicals, and my
20 groups says: That's not possible.

21 Well, these people will call and we'll show you.

22 And, sure enough, when I start to show all the
23 problems they're having, people are getting exposed and
24 nobody really took the concern till I made them aware of
25 the problem.

1 Right now, I'm a diabetic. And my family doctor
2 says, "Retire. Your diabetic is progressing so fast and
3 so rapidly that you won't be around too much longer if you
4 don't calm down."

5 Well, my job as a technician, which I help
6 industrial hygienes, and I have to go out in the field,
7 determine if these people are getting exposed to whatever
8 chemical or metal or whatever; then we come back and you
9 tell them, "Yeah, they were getting exposed."

10 So they take steps. But when we are there, well,
11 we got exposed. We don't know the concentration or
12 whatever.

13 Right now, my job is to measure ventilations and
14 I take care of all approximately 1500 chemicals throughout
15 the lab. Right now, my main job is what I'm focusing, if
16 I -- to retire. Trying to work on the exhaust stacks and
17 some of those stacks are real sad.

18 And a lot of those people don't want to fix it.
19 It costs too much money. They feel it's taxpayers money
20 wasted. Their belief is the solution to pollution is the
21 WOOSHin. And you would have to see what I'm saying. You,
22 you would just nod your head. You'd just wonder what
23 these people who decided it must've been fishing or
24 something because it's sad.

25 And I made a note to myself. Before I leave Los

1 Alamos Laboratory, I want to see those stacks corrected.
2 And right now, I have approximately about 70 that I've
3 corrected, pretty close to 20.

4 But the politics is so great. There's a lot
5 of -- You might as well wear a sweater or a jacket because
6 they're always throwing things at you, to roadblock you or
7 whatever. But since I've been up there for so long, I
8 think I got a big bull from the horns that it's sort of
9 out of control. But a lot of people said -- have said
10 that they'll back me up and help me out. I have the
11 veterans. They says, "We'll back you up."

12 But I feel this way: Why should they have to
13 back me up? What's right is right. People don't have the
14 right to get exposed.

15 They're hoping that the system's protecting them,
16 which they are not because it costs too much money and I
17 feel reel strongly that somebody has -- like Jerry Leyba
18 says, somebody has to be responsible, not just like
19 [ding] -- You know, somebody does something wrong, don't
20 play with somebody else's, and you're back to first base.

21 MS. OPPENHEIMER: Okay. Thank you very
22 much.

23 (Applause)

24 MS. OPPENHEIMER: Appreciate your waiting,
25 too. Is Chris Mechels still here? Okay. All right.

1 Would someone tell him he's going to be up after William
2 Haag.

3 MR. WILLIAM HAAG: My name is William Haag.
4 I work at the lab. I've worked at the lab for almost 23
5 years now. I'm not so much here for myself as I am for my
6 father who came to Los Alamos as an Army personnel in
7 1946, to Los Alamos, where he met my mother.

8 My folks both came here during the war. My dad
9 got out of the service after, in '47, and went to work at
10 the Chem Warehouse, the same as Mr. Smith did. In fact
11 they knew each other.

12 In 1948, my dad went to work out at GT site or
13 what is out toward that site. He worked in radiography
14 where he stayed from 1949 till the time he retired in
15 1992.

16 He terminated from the lab in '92, but he had
17 really officially retired in '82, but he came back as a
18 casual.

19 In 1989, my father was diagnosed with cancer. It
20 was in the lungs. And when the doctors did the surgery,
21 first we thought it was for the smoking and everything
22 that he did do, but the doctor came out and said, no, it
23 was more work-related, it was encapsulated in his lungs.
24 He lost his -- I think it was his left, his left?, yeah,
25 his left lung.

1 He then, in 1993, was diagnosed again, with
2 cancer again in the other lung. And on April 20th of
3 1994, my father passed away. (Emotional) Excuse me.

4 My father was very dedicated to the lab. He felt
5 the lab was going to take care of my mother and he was
6 kind of a company person. Unfortunately, the lab didn't
7 do that quite as well as could be.

8 What I'd like to see out of this compensation is
9 our families being compensated because when my dad died,
10 all we got was \$2,000. That was not enough to bury my
11 father in the national cemetery, no less.

12 My dad would probably spank my butt for sitting
13 here because he was very proud of what he did. He thought
14 he was doing the right thing, and I feel he was.

15 As for my own experience with the lab, I have
16 seen the good and the bad. I myself have not been -- I
17 have worked at the plutonium facility for 16 years and I
18 do not work there now but I work associated with it and I
19 have seen safety problems but I've also seen them
20 corrected.

21 I just feel that the lab needs to take -- We need
22 to have some compensation for the families, as Mr.
23 Westerhold said earlier this morning, I'm concerned for
24 myself. I'm second generation at the lab. I have raised
25 children in Los Alamos, myself. I have three sons.

1 And to be very honest with you, I told them not
2 to work for the lab.

3 But I worry about myself, taking care of my
4 family, my wife, as well. I do need -- I would like to
5 see the compensation come through because my mother is in
6 bad health and is starting to have a lot of dementia and
7 Alzheimer's problems and I need the help to take care
8 [ding] of her.

9 Anyway, I would like to thank you for the time to
10 come here.

11 Thank you very much.

12 (Applause)

13 MS. OPPENHEIMER: Thank you very much.

14 Okay. Chris Mechels.

15 MR. LOVATO: Who do I give these statements
16 to?

17 MS. OPPENHEIMER: To the Court Reporter.

18 MR. LOVATO: Would you like them, also?

19 Or --

20 MR. GEOFFREY J. JUDGE: Yeah. Please.

21 [Mr. Victor D. Lovato and Mr. Chris Mechels
22 distribute written material to staff]

23 MS. OPPENHEIMER: Okay.

24 MR. CHRIS MECHEL: Thank you. My name is
25 Chris Mechels and I'm a retired Los Alamos employee and

1 I'm also a board member of Citizens for LANL Employee
2 Rights and I'm interested in that because Manny Trujillo
3 had to leave and he asked me to express our interest in
4 this issue.

5 I'm glad that this hearing is taking place.
6 Hopefully it will do some good, past the beryllium
7 workers, because there's a lot of other injuries at Los
8 Alamos that need to be addressed.

9 I'm an injured Los Alamos employee but my injury
10 does not rise to the level of beryllium and et cetera. I
11 just have a hearing injury and I didn't think much about
12 that until I read the National Economic Council Report and
13 found all that the DOE complex has an abnormally high
14 number of hearing losses.

15 It may be that my experience could help to
16 alleviate this problem over time because my experience was
17 that, unlike the civilian companies where I was at work
18 for the most of my career, the Los Alamos does
19 construction with the "inmates" in place.

20 I've got a hearing loss in my left ear with
21 tinnitus, so I've got a constant ringing in my left ear
22 and I didn't have it when I went to work for the
23 laboratory.

24 I think what happened was, because they were
25 doing construction nearly under my feet, intermittently,

1 with one of these impact hammers. You know, just what's
2 used for drilling into concrete? Well, it rises to a
3 physically painful level. You've just got to get up and
4 get out of your office. It's physically painful.

5 And I complained to my group office. Nothing
6 happened. I went over, finally. Finally after seeing
7 that nothing was going to happen, I went over to
8 industrial hygiene and they gave me ear plugs but nobody
9 over there seemed to care, that they'd been doing this to
10 everybody. It wasn't just me. I don't know what happened
11 to the rest of them. Maybe they're deaf reading.

12 The situation unfortunately is still the same.
13 And I was talking about this with a friend of mine who
14 works at the laboratory today, within the last two months.
15 She was in the middle of the construction zone, and the
16 troubling part was just --

17 [4:48 P.M., CLUNK! Electrical outage]

18 Have we lost the power? No. Okay. So what
19 happened, what I noted, because I'm interested in the
20 workers' safety is that part of the reason that I was put
21 through this and part of the reason that my friend is
22 going through this today, is that we were not informed of
23 OSHA protections, governing things like hearing loss.

24 Today, at Los Alamos, that is a serious problem.
25 Unless you're a new employee where you get something

1 called "git" training which is a very superficial approach
2 to OSHA coverage, you don't get any training. I never got
3 any OSHA training during my tenure at Los Alamos. Unless
4 you're a new hire, you go get it today. This needs to be
5 addressed and I know that -- that I hope they get on this.

6 The Los Alamos today is not meeting what's
7 considered normal practice in an OSHA world, which is,
8 they're not meeting their obligation to inform their
9 employees of their rights under OSHA and their protections
10 under OSHA. They need to start doing this.

11 The other thing that they're not doing is, that
12 they're not listening to OSHA violations for the public,
13 as any OSHA-governed firm would, and they need to start
14 doing that right now.

15 When I asked Los Alamos for OSHA violations, they
16 won't give me the information. They tell me that it
17 doesn't -- And their response is that it doesn't meet the
18 public need to give me the information about OSHA
19 violations and LANL policy violations.

20 This has got to change. They are hiding worker,
21 or, OSHA violations [ding] from the public, including me.

22 I'll close by saying, is, the one thing I would
23 encourage you to do, to come to grips with the Los Alamos
24 story today, is go and visit Efren Martinez who I
25 mentioned in this. He was electrocuted in January of '96.

1 The people that put him in some big old rest home
2 both got promoted and big raises. That is the reality of
3 Los Alamos and that has got to stop.

4 Go visit Efren. Thank you.

5 [NOTE: 2-paged written Mechels paper attached]

6 (Applause)

7 MS. OPPENHEIMER: Okay. Libby Sayre.

8 MS. LIBBY SAYRE: Thank you very much for
9 giving me a few minutes in spite of the fact that I am not
10 an injured worker.

11 My name is Libby Sayre and I am an organizer for
12 the Communications Workers of American, CWA. Before
13 working for CWA, I was an employee of the University of
14 California at Berkeley for 17 years was a founder of
15 University of Professional and Technical Employees, a
16 labor union that represents 10,000 University of
17 California employees. UPTE is affiliated with CWA.

18 As a UC worker, I helped to organize a union firm
19 on the UC campuses and at the US Medical Centers and, as a
20 CWA organizer, I'm helping to organize employees here
21 because it is impossible for workers to be safe unless
22 workers have rights.

23 Some of what we're hearing about today is the
24 consequence of the thousands of University of California
25 employees at the laboratory having no right to organize,

1 no unions and no rights.

2 And that did not change until January of 2000
3 when the California statute changed.

4 The many courageous lab employees who were
5 working to build a union at LANL understand the link
6 between worker safety and worker power and the link
7 between worker power and labor unions.

8 Unions, in general unions at the lab, at my
9 union, CWA, bring valuable resources to bear on safety
10 issues. With CWA, these resources range from a fully-
11 trained professional staff at our office, safety experts
12 in Washington, D.C., to our district health and safety
13 staffs across the country, to health and safety committees
14 and professionals working directly with our major
15 employers, to local union health and safety committees, to
16 a vast network of stewards enforcing health and safety
17 regulations on the shop floor.

18 CWA's comprehensive and frequent training
19 programs and Train the Trainer programs make it possible
20 for CWA members to participate as equals on labor/
21 management health and safety committees and make it
22 possible for employees to enforce health and safety
23 regulations on the shop floor.

24 These resources, made available to employees,
25 who, together demand a safer workplace, create a potent

1 weapon for change.

2 And I'd like to very briefly give three examples
3 of that kind of change.

4 At the Lawrence Berkeley National Lab, where UPTE
5 represents technicians and researchers, UPTE CWA Local
6 184, formed a powerful community/labor/legislative
7 coalition that stops the labs' proposed elimination of
8 on-site health -- sorry -- on-site HAZMET in fire
9 protection at the laboratory.

10 Here in Albuquerque where CWA represents workers
11 at U.S. West, union workers were able to reduce the
12 incidence of repetitive strain injuries from unbelievably
13 high, 15 to 20 percent of the workforce, to statistically
14 Zero. And, here, it was to reduce the fear of reporting
15 injuries at an early stage.

16 And, third, nationally, CWA has fought for more
17 than a decade for justice and restitution for workers who
18 were exposed to asbestos over the last 30 years. This
19 fight is ongoing with a major court decision expected this
20 year.

21 We fought this fight in spite of the long odds,
22 no proof of exposure, no monitoring data, and in spite of
23 the cost. A one-week screening costs \$10,000.

24 CWA has put more than 2,000 workers through the
25 screening and the program is expanding.

1 Most workers can't fight [ding] these fights
2 without organizations, because employers, especially
3 employers like the laboratory, have enormous resources and
4 individual workers have so few.

5 But when all lab employees are organized, workers
6 here can and will begin to break through the fear and
7 begin to end the long history of accidents, injuries,
8 exposures, and the secrecy that has surrounded them.

9 Thanks very much.

10 (Applause)

11 MS. OPPENHEIMER: Okay. The next person is
12 in M.G. Lockhart and then Joe Katcher will be next and
13 then Lloyd Ortiz and then we're done.

14 MR. M.G. LOCKHART: I'm in M.G. Lockhart.
15 I'm a retiree from the Los Alamos National Laboratory and
16 I represent the Laboratory Retiree Group.

17 Laboratories by their very nature are dangerous,
18 not just Los Alamos National Laboratory. For that reason,
19 LRG has been urging and endorsing follow-up on all former
20 workers who were involved with hazards, either
21 occupationally or accidentally.

22 If a person is identified as associated with
23 radiation or hazardous materials or was accidentally
24 contaminated and came in contact with them, they should be
25 followed up even after they leave employment.

1 We also identified that spouses and children
2 should be allowed to have a medical review. There is a
3 current program that allows workers and former workers to
4 ask for either a medical or a records review.

5 We think that the spouses and children of
6 deceased former workers should have the same right.

7 Also, the burden of proof is currently on the
8 worker. You've heard tales of how bad the records are.
9 And this can be inadvertent in addition to intentional.

10 Most of the instances that I've become aware of,
11 it was an intentional.

12 We think that because of the importance of the
13 records, it should be documented that the workers have had
14 an opportunity to review their records, to make sure that
15 they are complete.

16 If a record is missing on an accident or incident
17 or exposure to contamination, the sooner the worker
18 becomes aware of it, the quicker he can get documentation
19 in the file and eyewitness accounts that verifies his
20 testimony.

21 We also are fearful of creating unrealistic
22 expectations. I do not think that there are a great
23 number of legally defensible claims that have not already
24 been settled.

25 The statute of limitations. Representative Udall

1 stated that he would try and take care of that and I
2 applaud that. But the fact of the matter is that people
3 who have never been exposed have prostate cancer and it is
4 tough to prove the relationship.

5 We are also concerned about what happens next
6 year. Dr. Michaels will be leaving next year, probably;
7 no matter which party wins the presidential [ding]
8 election, and so I think the legislative representatives
9 need to take care of that continuity.

10 I thank you for this opportunity.

11 MS. OPPENHEIMER: Thank you very much.

12 (Applause)

13 MS. OPPENHEIMER: Okay. Joe Ketcher.

14 MR. JOE KETCHER: Hello. My name is Joe
15 Ketcher. I am the -- used to be a worker for Johnson
16 Controls and you had numerous up here. I know them.

17 I don't know if you had any whistleblowers but I
18 am a whistleblower. I'm from the old whistleblowers from
19 1977 to '92.

20 There's no relief for any of us. I found out
21 through DOE, there's are only 350 whistleblowers from
22 that, those two dates. That's like three or four a year.
23 And there's no remedy for us.

24 Now, DOE came out with a pilot project, with a
25 program to help old whistleblowers to get some relief.

1 Out of these 300 whistleblowers, there were five
2 picked. And out of this five, I was the only one that met
3 the criteria of the new program that they want to get some
4 relief.

5 Well, I went through all their loops and all
6 their -- everything that they needed from me and this was
7 supposed to be a volunteer program, and Johnson Controls
8 said, "Nope."

9 And that was last month. I would like that DOE
10 put some pressure on Johnson Controls to face up with
11 their -- what they have done wrong. I mean, well, these
12 things need to be bring up -- need to brought up.

13 My, my documents, it's about eight inches thick
14 and this has been taking three years to get this thing
15 done, through Redmond's office and, now, through Udall's
16 office. Something has to be done.

17 And if Johnson Controls don't want to do it, I
18 think there should be some kind of relief for old
19 whistleblowers anyway, for those two -- for those years.
20 I think that's what? Fifteen years. Something like that.

21 So, I appreciate it, that something would be
22 done, and I'm not gonna sit here and tell you all things
23 that happened. I mean I wouldn't wish this on anybody.

24 I went to ten meetings with DOE, Johnson Controls
25 and the laboratory, and in those meetings, they all tried

1 to blame it, that it was my fault that this was an
2 acetone; there was 90 cans of acetone, was hidden from the
3 Tiger Team that was went up to the warehouse and they
4 stuck 'em outside and they got rusty and they brought 'em
5 back in.

6 They started to leak and were in all cardboard
7 boxes, so, you had a bomb right there in the warehouse.

8 Now, if there would've been a skid or a forklift
9 or anything, that would've went up and probably the
10 warehouse and as well as the automotive department of
11 Johnson Controls.

12 And they tried to cover this up. This is
13 documented.

14 Now, DOE from Albuquerque came down and they
15 found that there was -- there was a problem there, but
16 they wouldn't blame anybody. They just said there was a
17 problem. Storage of acetone should be stored in metal
18 boxes, not in cardboard boxes.

19 Not only that, they rust. And there was 80 cans
20 of them.

21 I don't have a -- I already talked to Udall and
22 Bingaman already to get some kind of a relief for this, so
23 I won't take up too much of your time.

24 MS. OPPENHEIMER: Thank you very much.

25 (Applause)

1 MS. OPPENHEIMER: Okay. Roy Ortiz. [ding]
2 Oh, you're not finished. That was for the last speaker. I
3 don't want you to worry. The bell had rung before you
4 started. Okay.

5 MR. ROY ORTIZ: Okay. My name is Roy Ortiz
6 and I worked for the lab for 24 years.

7 What I gotta say has, it -- I worked for their,
8 they, they worked with nuclear materials, and I been
9 involved in legalities with things that have happened at
10 the laboratory with the misuse of nuclear materials.

11 And what this amounts to, is like it can be
12 compared to like the movie of Karen Silkwood.

13 What happened is that they brought in a new
14 worker and they made him custodian of nuclear materials
15 and this guy didn't know what he was doing and, actually,
16 I was there before he came in; so I was teaching him the
17 job but he couldn't handle it.

18 So what he was doing is, massaging the numbers,
19 man, like changing numbers on the ballot, because back
20 then, we didn't have computers; we used to do all this in
21 a logbook.

22 So the fact is, that this gentleman, since they
23 made him a nuclear custodians, a -- nuclear materials
24 custodian, what he was doing is, he'd change the numbers
25 to balance his books whenever we had to. Every six months

1 and every year, they came in to check and see the
2 accountability of all the nuclear materials, which goes on
3 all the time no matter where they work with it.

4 Anyway, what happened is that this guy would
5 change his numbers to balance his books and what he'd do
6 is, he had a can of residue in the broom closet and then
7 he'd pull out of there to actually balance out his
8 materials.

9 And what all this came to or a climax of the fact
10 that he went and contaminated his own locker and some
11 other lockers of other workers which included me.

12 And then he accused us - of me, I was Suspect
13 Number 1 - to the fact that we were the ones that had
14 contaminated him, that we tried to sabotage him, when he
15 did it to himself.

16 And I already had this guy read. I already knew
17 how he operated. So I told them my story, you know, when
18 it first happened, when the first incident happened.

19 And the fact is that what the lab does is, there
20 again, like all these people have said before, you know,
21 they write down all those precautions and limitations for
22 safety and all that. But, really, they write 'em down but
23 they don't apply 'em.

24 They don't, they keep the public -- They keep the
25 workers and they keep the public in the dark. You know,

1 if you hear something happens at the lab and you hear it
2 on the news? And the last thing they say is that there's
3 no danger to the public.

4 Yet, we work over there. We know what goes on
5 over there.

6 Yet, to make a long story short or get on the
7 main points, is, too many times I was involved and I was
8 accused. I almost went to prison for something I didn't
9 do.

10 Yet, the fact is, man, the lab tried to pay us
11 pennies, man. They called it a settlement, you know.
12 They paid us pennies.

13 And one of the biggest things, on every page was
14 that we were paid to be -- keep quiet. All this was
15 confidential. We were not supposed to talk to anybody.

16 But the fact is, there again, like they said, a
17 lot of people had said a lot of things here that they all
18 blend in together.

19 The fact is that, because the lab has unlimited
20 resources or whatever, they even asked us or they even
21 told us, you know, "Well, who are you guys to go against
22 the lab?"

23 Because we were not guilty but, yet, we were told
24 things that you wouldn't want to hear, here, that we were
25 told because [ding] because they accused us, they told us

1 that they were gonna hang us, that we were gonna be buried
2 and, you know, all these kinds of things.

3 And the fact is, that we were finally -- What it
4 amounts to is that the guy that actually did this, he
5 finally came down to the point that he had to admit to the
6 fact that he did it.

7 But even after he admitted to it, the laboratory
8 and all the attorneys that they hired, they were still
9 after us, trying to say that we were involved with the
10 misuse of nuclear material, even though we had already
11 been justified by the fact that this guy had admitted to
12 the fact that he did it himself.

13 And, yet, they were lenient on him and he was
14 just like released from the lab. They plea bargained with
15 him over it, or he with the lab, whatever, you know.

16 And, yet, we had to go through four, four and a
17 half, five years of legality, that they were after us
18 because they, they were sure, they wanted to make us admit
19 to something that we didn't do.

20 And that has to do with all the rules and
21 policies and everything that the lab does. All they do is
22 play games. They write it down. They put it on paper.
23 But they don't apply 'em. They don't, they don't back you
24 up.

25 And then, just like he said about the

1 whistleblowers, they ask you to say what's on your mind
2 but then they use it against you.

3 MS. OPPENHEIMER: Okay. I'm going to stop
4 you right there.

5 (Applause. Cheers)

6 MS. OPPENHEIMER: Thank you very much, Mr.
7 Ortiz.

8 And I think it's a very good note to end on. You
9 talked about a settlement document where every page said
10 "Keep it confidential."

11 Well, finally, we hope this is beginning and that
12 instead of silence, people are going to continue to speak
13 and continue to try to figure out how we can deal with
14 these problems.

15 And I want to thank Congressman Udall's office
16 and Michele, in particular, and Senator Bingaman's office,
17 Bob Simon for sticking it out and also the DOE, in
18 general, Kate has been here to help us and everybody, all
19 of you in particular and we want to particularly thank our
20 Court Reporter for doing this for us this long.

21 (Applause)

22 MS. OPPENHEIMER: We want to thank Ken
23 Silver, Maggi Banner, Ben Ortiz, Huguette Sirgant, Chris
24 Mechels - that have been very, very involved - Jerry
25 Leyba's been involved, many people have been very involved

1 in doing this. I hope I'm not forgetting -- Manny
2 Trujillo has been involved. Lots of people.

3 But the DOE, Jeff Eagan, David Michaels. And,
4 really, David Michaels in particular; this would never
5 have happened if he hadn't started this process.

6 I think everyone also knows this is the very last
7 one. This is last hearing before the legislation is
8 revisited and I really think we all should be very
9 grateful to the Department of Energy for having opened
10 this up and ending a silence which many people have felt
11 for so long. We hope this is the beginning and not the
12 end of a process of discussion.

13 Anybody else, DOE?

14 MS. KATE KIMPAN: Just thank you to the
15 Court Reporter and we want to just thank you all for
16 taking your time and for the folks that have helped
17 organize this. Sorry for the what probably was a long
18 wait but thanks for hanging in.

19 Call the line if you didn't have time to talk;
20 call our 800 number. Be patient. There are a lot of
21 people calling.

22 COURT REPORTER: One more question.

23 MS. OPPENHEIMER: A question from our Court
24 Reporter who's been amazing". How much more time, if any,
25 for written submissions?

1 MS. KATE KIMPAN: With regard to this
2 transcript, at the end of this meeting, she's going to go
3 ahead and do the transcript. If you want to go ahead and
4 send written stuff to us, after this meeting, fine. As
5 soon as we get the transcript, this will be put up on our
6 Web page so you'll see what everybody said. The prior
7 meetings around the country are on the Web page.

8 If you have written submissions, you can go ahead
9 and send them into the Department of Energy. You can get
10 one of these fliers and send them in, you can send them to
11 me: My name is Kate Kimpan, K-I-M-P-A-N.

12 Jeff Eagan was here earlier. We all work for Dr.
13 Michaels. So if you put on Kate Kimpan or Jeff Eagan, you
14 can go ahead and send stuff to the U.S. Department of
15 Energy. You can call in and talk on the free line and
16 people will ask you some questions about your experiences
17 as well. Thanks so much. Thanks to the Court Reporter.
18 Quite a job here.

19 [5:15 P.M., ADJOURNMENT]

20 * * *

21 ALL PRINTED STATEMENTS HANDED IN TO BE CONSIDERED HERewith

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1 REPORTER'S CERTIFICATE

2 I, CHARLOTTE MACIAS, a Certified Court Reporter
3 in the State of New Mexico, DO HEREBY CERTIFY that the
4 foregoing Public Meeting, Injured LANL Workers, taken on
5 March 18, 2000, at Espanola, New Mexico, is a complete and
6 accurate verbatim record of the proceedings taken by me in
7 stenographic shorthand, to the best of my ability.

8 I FURTHER CERTIFY that I am neither employed by
9 nor related to any of the parties in this proceeding and
10 that I have no interest whatsoever in the outcome of the
11 proceedings.

12 WITNESS MY HAND this 31st day of March, 2000, at
13 500 4th Street, NW, Suite 105, Albuquerque, New Mexico
14 87103.

15

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CHARLOTTE MACIAS, NMCCR#161
License Expires: 12-31-00

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